UNIVERSITY OF ALBERTA

The Politics of Tradition: Aboriginal Nationalism and Women.
Mexico and Canada in Comparative Perspective

By

Isabel Altamirano-Jiménez ©

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Doctor of Philosophy

Department of Political Science

Edmonton, Alberta

Fall 2006

Library and
Archives Canada

Published Heritage
Branch

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque et
Archives Canada

Direction du
Patrimoine de l'édition

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence
ISBN: 978-0-494-22984-2
Our file Notre référence
ISBN: 978-0-494-22984-2

NOTICE:
The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

AVIS:
L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.

Canada

Abstract

Since the 1970s, North American Indigenous peoples have struggled to organize, represent their identity as internal nations and assert their right to self-determination. Although Canada and Mexico have had a very different history, legal tradition, culture and ethnic composition, these countries have experienced a similar resurgence of Aboriginal movements. Nonetheless, Indigenous movements in these countries have rarely been examined under the lens of nationalism. Even less explored has been the relationship between Aboriginal nationalism, tradition and gender. This dissertation explores how this relationship is expressed in four specific cases, in both Canada and Mexico.

This dissertation argues that the construction of Indigenous nationalism is a political process in which traditional and historical models are evoked, gender roles are constructed, symbols, customs, political and social practices are selected in the assertion of the right to a homeland and self-determination. The political purpose of constructing nationalism is to represent a homogeneous identity and to create a sense of deep commonality based upon tradition. In the interface between nationalist discourses, territorial struggles and tradition, gender issues are diluted because gender is not the object of struggle but the collective experience of material and social inequalities. Nevertheless, as this study shows, conceptualizing struggles, defining membership, constructing the vision of the nation and distributing its material content is a gendered exercise.

The four cases studied in this dissertation are Nunavut, San Andrés Larráinzar, Oaxaca, and the Nisga'a nation. The analysis of these cases

suggests several interconnected conclusions. Fundamentally, in the process of constructing nationalism dominant groups also dominate the discourse on tradition and the subordinate groups whose discourse differs from that of the dominant. As the contestable issue of gender remains submerged in political struggles emphasizing cultural difference and experiences of material and social inequalities, Indigenous women' voices remain 'muted,' Nevertheless, as a subordinate group, Indigenous women act to transform the interface between discourses of place, tradition and politics in Aboriginal struggles. In this process, Indigenous women are not merely subject to unified racial and gendered identities, but are agents claiming to construct and mediate meaningful complex subjectivities.

Acknowledgements

This study would not have been possible without the support and participation of many people and several institutions. I am grateful to the Inuit, Nisga'a and Oaxaca and Chiapas Indigenous communities for allowing me to conduct this research project, for sharing their knowledge and time with me and the curiosity for each other.

I thank Mika, Margarita, Barbara, Carlos and Loreen for their invaluable support, advices, insights and company while doing my fieldwork in the different locations. I also acknowledge the support I received from Statistics Nunavut, particularly from Jack Hicks; and also from other Indigenous organizations.

This study was possible thanks to the financial support I received from the Alberta, Circumpolar Institute and CONACYT Mexico. I also acknowledge the institutional support from CIESAS Chiapas, Mexico where I was accepted as a student guest researcher to conduct my research in that southern state.

Finally, I want to express my deep gratitude to my supervisors Dr. Janine Brodie and Dr. Gurston Dacks for their guidance and support throughout the process of writing this dissertation.

Table of contents

Acknowledgements

Page

Introduction 1

Chapter I Indigenous Nationalism, Women and the Politics of Tradition 15

1. Introduction
1.1 Old and new nationalisms 17
1.2 Stateless Nationalism and Indigenous Nationalism 23
1.3 Tradition: a site of Struggle 29
1.4 The Reification of the Past and Indigenous Fundamentalism 36
1.5 Indigenous Women: Between Feminism and Tradition 39
1.6 Conclusions 47

Chapter II Mexico and Canada: Comparing the Terrains 50

2 Introduction
2.1 The Clash of Indigenous and Hispanic Worlds in Mexico 52
2.2 Mexican Independence: Inventing the *Mestizo* Nation 55
2.3 The First Contacts in Canada: Sovereign or Subjected Nations 63
2.4 Statecraft in Canada: Colony or Country? 70
2.5 Transitional Contexts and the Emergence of Pan-Indianism 76
2.6 The Mexican Case: Between Peasant and Indigenous Identity 82
2.7 From Indigenism to Political Autonomy 85
2.8 The Canadian Case: Competing Nationalisms 94
2.9 The Constitutional Conferences: Entrenching Whose Rights? 101
2.10 Conclusions 106

Chapter III Gender and Tradition in the Making of Nunavut 108

3. Introduction
3.1 The Emergence of Inuit Nationalism 111
3.2 Nunavut: Imagining National Institutions 122
3.3 The Founding fathers of Nunavut, and the Mothers? 133
3.4 "Traditional" Gender Relationships: Bringing the Past to the Present 140
3.5 The Gender Parity Proposal: Gender Equality or Traditional Roles? 147
  a) Tradition
  b) Homeland and Unity
3.6 Conclusions 160

Chapter IV Tradition, Gender and Political Power within the Zapatista Movement in Chiapas, Mexico **163**

4 Introduction
4.1 Chiapas and its Interior Borders 168
4.2 The Zapatista Movement and its Redefined Nationalism 181
4.3 Indigenous Nationalism and the Politics of Tradition 187
4.4 Also a Women's Rebellion? 192
4.5 San Andrés: a Zapatista Self-declared Autonomous Municipality 200
4.6 Zapatism and civil society 211
a) Indigenous women vis-à-vis hegemonic feminism
b) Zapatista Caracoles
4.7 Conclusions 224

Chapter V Nisga'a Territoriality, Women, and the Backward Look **227**

5. Introduction
5.1 The Nisga'a and the Land Movemen 228
5.2 The Nisga'a Tribal Council and the Calder Case 250
5.3 The Common Bowl: a Contested Territory 259
5.4 Religious Syncretism and the Nisga'a Land Question 265
5.5 The Politics of Tradition and the Erasure of the Nisga'a Women 272
5.6 The Nisga'a Agreement and its Discontent 282
5.7 The Arrival of the Canoe and Nisga'a Contemporary Politics 287
5.8 Conclusions 294

Chapter VI The paradox of tradition: women and customary law in Oaxaca **296**

6. Introduction
6.1 Oaxaca: Between Tradition and Modernity 300
6.2 Indigenous Autonomy and its Different Meanings 325
6.3 The Oaxaca Indigenous Law and the Paradoxes of Tradition 333
6.4 Indigenous Customary Law: Timeless Traditions? 338
6.5 Indigenous Women and the Ideology of Harmony 344
a) Mixe Women vis-à-vis Tradition
b) A Zapotec Matriarchal Society?
6.6 Conclusions 372

Conclusions **374**

Bibliography **400**

Appendix A **428**

Appendix B **436**

Map 1 Cases Studies **440**

Map 2 Nunavut Territory **441**

Map 3 Chiapas State **442**

Map 4 Nass Valley **443**

Map 5 Oaxaca State **444**

Introduction

Since the 1970s, Indigenous peoples in Mexico and Canada have struggled to organize and demand the recognition of their inherent sovereignty and right to self-determination. The re-articulation of Indigenous peoples' collective identity and status ushered in a dynamic period of protest, litigation, national organizing, political lobbying, community development and cultural revitalization that created a constituency of Indigenous peoples. This constituency constructed 'Indigenous peoples' as a distinct and as a unified collective consciousness of nations and peoples who had endured centuries of colonial subjugation. Through the acts of naming, Aboriginal peoples named themselves not only as victims but also as social collectivities. The (re)imagined communities of Indigenous peoples and nations created a new set of possibilities for renaming the world and the rules for acting within it according to Aboriginal ancestral traditions.

Through the articulation of a nationalist discourse, Aboriginal peoples have emphasized their kinship, tradition and history as the constitutive elements of their mobilizations and their right to put forward a cultural alternative project. In this dissertation, I explore the relationships among Aboriginal nationalism, tradition and gender in both Canada and Mexico. The research questions that guided this work are: Why being tradition so central to the construction of Indigenous identity and nationalism is that contested? What is the role of tradition in the construction of gender relations? How do Indigenous women relate to tradition?

In this dissertation I argue that the construction of Indigenous nationalism in these countries is a political process in which traditional and historical models are evoked; gender roles are constructed; and symbols, customs, political and social practices are selected in the assertion of the right to a homeland and self-determination. The political purpose of constructing nationalism is to represent a homogeneous identity and to create a sense of deep commonality based upon tradition. Since this process is political, it creates opportunities for the emergence of competing visions of the nation, tradition, and the role of gender within that nation.

As a discourse of power, nationalism enables a group to define itself with an authoritative vocabulary of identity and attachment to a particular homeland. The rhetoric of nationalism was involved in many political changes during the twentieth century and continues to play a crucial role in present-day political discourses. In recent years, Indigenous peoples' desire to be recognized as nations has focused on both territory and power as fundamental collective rights. Nonetheless, political scientists have seldom studied this assertion of nationhood through the lens of nationalism.

Several factors explain this void. The vast study of nationalism has traditionally focused on the creation of modern states and mass mobilizations. Beginning in the 1980s, an emergent debate started to pay attention to stateless nationalist movements in order to explain the sudden political fragmentation of several, until then, stable national states. Although the study of nationalism was extended to unexplored topics, the tendency was to assume that all stateless nationalist movements finally sought a state of their own. To some extent, this assumption and an "ethnocentric bias" combined with a lack of understanding of contemporary Indigenous life prevented scholars from exploring the role of nationalism in Indigenous movements aimed at achieving autonomy and sovereignty.

Few works have focused on Indigenous movements articulating a nationalist discourse based on tradition and the immemorial past to represent their status as "prior or original nations" and to construct their national identity (Alfred, 1998; Hanson, 1989; Rata, 1999). Through the language of nationalism, Indigenous peoples articulate tradition as the hard core of their identity and their ancestral past, which make them different from modern nations. Therefore, tradition is a very important political resource for Indigenous peoples to shape their identity and to claim their status as nations.

Tradition, politics and gender

The question of tradition becomes a site of struggle. Tradition is linked to the question of authority because it is invoked not only to recognize its historical continuities but to mark the authority they carry. (Phillips and Schochet, 2004: X). From this perspective, the link that tradition makes between the past and the present is political. To place a text, a practice, a norm or a mode of understanding as part of tradition is to place the present within the past and to establish a backward-looking control over the present. The control over the present through the codification of tradition sometimes erases the difference between law and politics because institutions and practices are embedded in the value systems that sustain them.

The imposition and manipulation of cultural values in the name of tradition work as the supporting pillars of social and political power and are aimed at minimizing dissent. Tradition is not a complete return to past ways, but a practical selection and reconstruction of roots in which gender and power are deeply embedded. In this sense, what is at stake is who has the power to define tradition and to determine the relationships through which Indigenous identity is constructed and negotiated in a changing world. Tradition in the contemporary world has been translated into binary categories of discourse representing the "local" versus the "global" and into practices of "resistance/localization" versus "domination/globalization". The cultural politics that concentrate around these binary oppositions have engendered internal positions in which gender is trapped because gender is not the object of struggle.

As Indigenous nationalism and traditionalism force communities to preserve the past and conform to the image and representation of resistance, emergent internal movements mobilize 'discrepant' traditions in struggles around identity and place. Indigenous women's resistance illustrates the conflictive relation between the representation of binary formulations and the mobilization of alternative visions of tradition. In resisting Manichean binary oppositions, women's strategies are contingent, subversive and changing as they seek to gain some control over the process of political transformation. As women subvert, resist and contest, they create alternative spaces and forms to relate to their communities and tradition outside the ubiquitous and closed presence of nationalism and the politics of tradition.

Indigenous movements concerned with identity and collective rights are not all the same but are constituted and reconstituted in a variety of strategic, recursive responses to broader global forces. This diversity can be mapped in order to understand how 'local traditions' are reorganized as conservative or inventive ingredients of what has been called "aprogressive modernity" (Clifford, 2003).

Although Mexico and Canada have had very different histories, legal traditions, cultures and ethnic compositions, these countries have experienced a similar resurgence of Aboriginal nationalist movements seeking to control their future and to preserve their cultures and traditions. Nonetheless, the study of comparative Indigenous politics, gender and tradition in these countries remains an unexplored field in political science and other disciplines. This dissertation is located within the study of comparative Indigenous politics and examines the relationships among Aboriginal nationalism, tradition and gender in San Andrés Larráinzar, Chiapas, and Oaxaca in Mexico, and in Nunavut and the Nisga'a nation in Canada.

Canada and Mexico: a non-classical comparison

Very few comparative studies have been made of Indigenous politics and movements in Mexico and Canada. One of the main reasons has been the division developed by classical comparative politics, which has focused on political systems, social changes, national institutions and political attitudes in countries divided along the binary opposition First/Third World, North America/Latin America and North/South. This division has influenced most comparisons. The majority of these studies have centred on the regularities and irregularities of institutional patterns in otherwise quite similar countries, usually very similar, in order to formulate general or middle range theories. Some examples are Verba, Nie and Kim's (1978) survey of political attitudes in several countries, and Ames' (1987) study on bureaucracies and public policies in Latin America.

Following this logic, several works on Aboriginal issues were done to compare countries with similar legal or historical traditions. From this perspective, Canada was compared with New Zealand, Australia and the United States (see for instance, Armitage, 1998; Abele, 2001; Havemann,1999; Samuelson, 1993; and McNeil, 2001). Similarly, studies comparing Mexico with other Latin American countries were also done (Van Cott, 2002; Barre, 1985). Although these studies have made important contributions to the understanding of Aboriginal policies and politics in these countries, most of them are not systematic comparisons, but what I would call 'side by side' studies.

These studies share a common focus on the evolution of Indigenous/state relations in countries such as Canada, New Zealand and the U.S. by assuming these countries have similar legal and historical traditions based on their English component. Similarly, Mexico has been compared with Nicaragua with regard to Indigenous self-government, and with Colombia and other Latin American countries regarding the reforms made to incorporate Indigenous rights into the constitutions.

With the beginning of more globalizing processes, some attempts have been made to study the general dynamics that impact and shape economic integration such as NAFTA in North America. However, this perspective has focused mainly on economic interactions in the region, either subordinating all other social processes to them or failing to consider those that are not obviously related to them.

Why compare Mexico and Canada? Cook and Lindau (2001: 3) argue that these two countries deserve to be compared because of the similar political environments that have helped Aboriginal peoples to press for political autonomy and sovereignty. Moreover, in both countries, specific political moments have created a context for wider and deeper discussions about the legitimacy of Indigenous demands. In Canada, constitutional failures to define the symbolic nature of the Canadian political community created a more propitious environment to discuss Aboriginal rights. In Mexico, on the other hand, the variable and unstable political situation together with the development of a human rights discourse allowed the expansion of Indigenous demands.

In other words, the existence of *similar processes* resulting from their transitional contexts makes possible the comparison of these otherwise different countries. I define 'transitional context' as a series of global and local political, social and economic circumstances that together created the political opportunities for Indigenous peoples to emerge as political actors. From this perspective, analyzing Indigenous politics and nationalism is not a matter of comparing political systems, institutions, political behaviours, but specific contemporary social phenomena.

Comparison, as Tom Mackie and David Marsh (1995) argue, is done to avoid ethnocentrism but also to discover general empirical propositions. In this dissertation, in order to enrich such a comparison the comparative method has been combined with case studies that have been carefully selected and intensively analysed. The case study method was chosen for this study because this method contributes to a more comprehensive reading of the social phenomena studied in this work than other methods would allow.

At the general level, Mexico and Canada have similarities and differences. Both countries are similar in that: (1) the Indigenous populations have pressed for recognition of collective rights; (2) the two countries have a federal system; (3) the transitional environments and the political activation of Aboriginal peoples have encouraged these demands although to substantially different degrees; (4) the search for governing solutions are on the political agenda of both countries;

and (5) in both Mexico and Canada, Aboriginal peoples have lived under historical conditions of marginality and poverty.

These two countries differ in that: (1) they have different legal-historical tradition, political culture, and institutions; (2) Canada further searches to accommodate diversity; (3) in Canada Quebec's latent separatist movement influences accommodation of diversity; (4) in Mexico, the effort to redefine the relationship between the state and Indigenous people is still in its infancy; and (5) Canada has a more decentralized federalism than Mexico, which despite its federal system has a highly centralized political structure.

The four cases studied in this dissertation —Nunavut, San Andrés Larráinzar, Oaxaca, and the Nisga'a nation[1] — also have differences and similarities. The two Canadian cases differ from the two Mexican cases in that both Nunavut and the Nisga'a nation were agreements reached through formal negotiations with the Canadian government while San Andrés Larraínzar is a *de facto* self-declared autonomous municipality, and Oaxaca was the first state where the local constitution was reformed to recognize Indigenous normative systems and traditional procedures in the election of Indigenous local authorities.

In fact, these attributes were among the reasons for choosing these four cases. While Nunavut and Oaxaca represent the institutionalization of a new relationship between the state and Aboriginal peoples at the territorial/state level.

---

[1] See map of case studies. I acknowledge that there are other Indigenous realities such as that of the urban Indigenous people, which are not included in this dissertation.

In contrast, the political/cultural project in San Andrés Larráinzar resulted from the Zapatistas' reaction to the Mexican state's unwillingness to recognize Indigenous political autonomy and territorial rights. As such, this project has not been accompanied by a framework for institutional recognition but for an informal recognition and support of the civil society. The Nisga'a agreement, on the other hand, is an institutional agreement representing the new model of self-government agreement promoted by the Canadian government, which merged Canadian political and Indigenous traditions. These different Indigenous nationalist movements represent different strategic responses to broader global forces influencing how localization and 'local traditions' are reorganized to put forward a alternative political project.

Research methodology

Doing the research for this dissertation has taken me on a journey as an academic and a woman. I first became interested in comparing Mexico and Canada several years ago when, as a student of social anthropology, I participated in a sociological research project on the Fifth Centennial of the 'Discovery of the New World.' During the process of researching and writing my honours thesis, I had access to primary documents, interviews and other sources from Aboriginal organizations from these countries and realized how, despite the differences between them, they had important commonalities.

Although my honours thesis was exclusively on Mexican Indigenous organizations, it was an interdisciplinary work that crossed the bridge between social anthropology and sociology for which it was initially catalogued as a "non-social anthropology work but as a political sociology thesis". This initial classification of my work and certain disillusionment with social anthropology led me to decide to pursue a Master degree in political sociology and to finally write a thesis comparing Indigenous politics in Mexico and Canada. Although I did extensive research, my thesis barely opened the door to the complex world of Indigenous politics in these countries. To my surprise, this thesis was catalogued as a "political science thesis" even though I had insisted on using only anthropological and sociological theorical-methodological approaches.

My discovery of a complex world, together with the idea of exploring what political science was about, brought me to the Department of Political Science with the clear intention of stepping further into my 'new research world.' By this time, I realized that borders between disciplines are not as clearly defined as is sometimes argued. This knowledge allowed me to continue with the idea of comparing two countries perceived as dissimilar and as part of the binary opposition of Third World/First World, North/South, Latin America/North America in political science.

My justification for this comparison led me to the arguments explained earlier about identifying comparable processes and also to the realization that as social anthropologist, political sociologist, and political scientist, I could go back and forth among these disciplines. From this perspective, this dissertation is interdisciplinary. I used case studies, historical research, ethnographic fieldwork and interviews such as in-depth interviews and life stories to gather my data. I did fieldwork in Nunavut, mainly, Iqaluit and Rakin Inlet; in the Nisga'a villages of the Nass Valley, and in Oaxaca and Chiapas. As part of my fieldwork, I attended meetings, celebrations, gatherings and conducted in unstructured and semi-structured in depth interviews with Indigenous women, organizations' representatives, and Indigenous leaders and carried out life story interviews with Indigenous female leaders[2]. In addition, as anthropologist I wrote field journals, which were extremely useful in reconstructing the collected information but also my own perceptions while in the field. Although my fieldwork was relatively easy in most of the places, the political situation in Chiapas made conducting research there very difficult.

I collected documentary data from the Nunavut Research Institute, Statistics Nunavut; Centro de Investigaciones y Estudios Superiores en Antropología Social in Chiapas, where I was accepted as Student Researcher Guess, Oaxaca and Mexico City; the Instituto de Investigaciones Sociales at UNAM, and also from the archives of several Indigenous organizations such as the Unión de Comunidades de la Zona Norte de Istmo, Kinal Atnzetik, and the Lisims Government. I analysed primary documents, newsletters, communiqués, declarations, and reports, and similar documents that I had collected as part of my previous research in Mexico. I conducted this research between January 2003 and August 2004.

---

[2] See Appendix A. In order to project the identity and confidentiality of my interviewees, I do not mention their names and, in some cases, neither the exact place where the interview was conducted. I disclosed the name of my interviews only in those few cases in which the interviewees agreed to and when they were public figures.

Organization of the work

In Chapter I, I discuss the main connections among nationalism, tradition and gender. I argue that the analysis of their relationship is essential to understand Indigenous women's realities, political actions and positions in relation to Indigenous nationalism and tradition.

Chapter II explores the transitional context in which Aboriginal nationalism has emerged in both Mexico and Canada. I show that the specific expressions of Indigenous nationalism in these countries were related to the complex ways in which national communities were constructed, the ties among the different groups developed along principles of exclusion/inclusion, and colonial rhetoric adopted a means of Indigenous resistance.

Chapter III explores the construction of Inuit nationalism and the discussion of Nunavut's Gender Parity Proposal. Chapter IV analyses the emergence of a similar process in Chiapas and the construction of the *de facto* autonomous project of the Zapatistas in San Andrés Larráinzar. Chapter V analyses the historical and contemporary development of the Nisga'a Land Movement and the different phases of Nisga'a nationalism. Chapter VI discusses the historical roots of the construction of local nationalism in Oaxaca. Finally, in the conclusion, I argue that in seeking to gain some control over the process of political transformation, Indigenous women open new political spaces providing alternatives to a world constructed in binary terms. As such, these are hybrid spaces emerging in the context of historical and political transformations.

I think my work is innovative because comparisons of this nature have not been made before; extensive, because it involves a review of a broad international academic literature; and interdisciplinary, since several methodologies are being combined. I feel the dissertation will make a contribution to the scholarly debate in several fields, such as comparative Aboriginal politics, gender analysis and North American Aboriginal studies in general.

Chapter I Indigenous nationalism, women and the politics of tradition

Introduction

The rhetoric of nationalism has been involved in many political changes of the twentieth century and continues to play a crucial role in present day political discourses. In the last decades, Indigenous peoples' desire to be recognized as nations has stressed both territory and power as fundamental collective rights. Nonetheless, political scientists have seldom studied this assertion of nationhood from a perspective of nationalism. Even less discussed has been the relationship between Aboriginal nationalism, tradition and gender. In this chapter, I am interested in mapping the connections between these concepts. I argue that such an analysis is essential for a textured understanding of Indigenous women's realities, political actions and positions in relation to Indigenous nationalism and tradition.

The literature on nationalism has been primarily focused on the invention of traditions and the national state's political project (Hobsbawn, 1983; Gellner, 1988; Breuilly, 1982). Since the study of nationalism has centred on the phenomenon of nationalism as a state project, the tendency has been to conflate nation with state. In doing so, attention has centred on the state-building process, the creation of state organizations geared to achieve political autonomy, the strategies of mass mobilization, territorial and institutional integration and the development of citizen rights. More recently, however, an emergent debate has started to focus on stateless nationalist movements aimed at explaining the sudden political fragmentation of several stable national states (Mayall, 1985; Armstrong, 1992). Such studies have shown that the multinational character of most national states did not disappear with the homogenizing process of the national state-building. In the context of globalization, such diversity has become more evident.

Although the study of nationalism was extended to unexplored topics, the tendency has been to assume that all stateless nationalist movements finally seek a state of their own (Gibernau, 1999; Hutchinson, 1987). To some extent, this assumption and an "ethnocentric bias" combined with a lack of understanding of contemporary Indigenous political life have prevented scholars from exploring the role of nationalist ideologies in contemporary Aboriginal movements for autonomy and sovereignty.

Even fewer works have explored the assertion of tradition and the immemorial past in the construction of Indigenous nationhood and national identity. As such, the construction and reconstruction of a national identity involve a process of defining membership, behaviour, establishing boundaries, and exercising control over people and territory based on the idea of ancestral Indigenous traditions. Therefore, tradition is a crucial political resource to build communities and shape identities.

If the relationship between culture and politics has received limited attention in the literature on nationalism, the presence of women in building nationalist movements reclaiming tradition has been even less analysed. In the interface between nationalist discourses, territorial struggles and tradition, gender does not appear as an obvious component. As Bordieu has observed, the contestable issue of gender is often relegated to the realm of *Doxa* or the uncontestable and taken for granted (cited in Gopal, 2000: 149). Gender issues are diluted because gender is not the object of struggle but the everyday experience of material and social inequalities and differential access to resources (Gopal, 2000: 149).

Nevertheless, conceptualizing struggles, constructing the vision of the nation and distributing its material content is a gendered exercise. Whether politically conservative or emancipatory, nationalist movements use 'tradition' and 'woman' as both identity and boundary makers (Schüssler Fiorenza: 112). As political processes, Aboriginal nationalist movements essentialize tradition and culture as symbolic border guards in the construction of national identity. Thus, gender symbols, cultural practices and behaviour become central to the preservation of tradition, the construction of national identities and the distribution of the nation's material content, as I will show throughout this dissertation.

Old and new nationalisms

As argued previously, until recent years there has been a tendency to conflate nation with state and to study nationalism as a state project. However, the question of how a national *community* is formed has increasingly gained attention as a result of the current wave of nationalism (Smith, 1989; Connor, 1990; Greenfeld, 1992). The debate has centred on two elements. First, on whether or not emergent nationalisms can be considered nationalist, second, on the nature and origins of nations and nationalism.

Regarding the first element, Eric Hobsbawn (1990: 181) wrote that these present nationalist expressions will be short-lived because, after all, nationalism is an anachronism. Similarly, Hans Kohn (1946:3-4) and Ernest Gellner (1988: 57-61) argued that nationalism is a modern phenomenon and any attempt on the part of other parties different from the state to revive a historical culture to call into action is considered to be backward and essentially reactionary because culture is irrelevant to modernization.

Anthony Smith (1995: 160), however, has defended a different view. Nations have not been transcended in the era of globalization. Rather, the current wave of nationalism observed around the world shows the enduring nature of the national idea. Similarly, John Hutchinson (1999: 392) has argued that the continuing vitality of autonomist movements among national minorities and ethnic national minorities reveal the multi-national and contested nature of most national states. Although certainly the new nationalist expressions show the cultural diversity of most national states, I would argue that these nationalist expressions, including Aboriginal nationalism, have to be understood as a reaction to globalization and not necessarily as a manifestation of the enduring nature of the national idea itself. In addressing the debate on nationalism, I wish to emphasize that nationalism is a political process, a subjective affirmation of who we are and a profoundly territorial phenomenon.

The second element of the debate on nationalism has to do with the origins and character of nations. As such, this is a continuation of the debate between primordialists and constructivists. To the former, nations are natural and organic and have always existed in human history. To Clifford Gertz (1963), for instance, it is important to distinguish between nationalism and ethnicity. Ethnicity, from this perspective, is more likely to serve as the basis to build a nation. To constructivists, in contrast, nations are rather modern human creations. Constructivists argue that neither culture nor ethnicity are enough to create self-identification among people. Nevertheless, Timothy Brennan (1990:43) argues that we should remember that the term nation refers to both the nation-state and to something more diffused and ancient, the local community, family and the condition of belonging. National identities, as Hall observes (1996: 616), synthesize these two elements to offer both membership to the political national state and identification with the national culture. In this sense, Craig Calhoun (1997:32) argues that the problem does not reside in discussing if cultural ties are a qualified basis for nationalism, but rather how these ties are constructed and reconstructed in the process.

Ernest Gellner points out that in industrial societies political elites use nationalism as a mean to respond to economic conditions and needs. According to Gellner (1983: 6-7), nations, like states, are contingent and not a universal necessity. Sate nationalisms claim that nations and states were destined to each other, but before they were linked together nations and states emerged separately. Thus, their emergence was contingent and independent. From this perspective, "nationalism is not the awakening of a nation, rather nationalism invents nations where they do not exist" (Gellner,1994: 390).

In pre-industrial societies, Gellner continues, peoples were richly endowed with cultural ties and potential ethnic difference. However, political nationalism is extremely rare in these societies. In the process of nation building, there are two complementary processes: the need of the political unit to be culturally homogeneous and the ability of the industrialization process to destroy the complex network of social differentiation that is expressed on different speeches, code dressing, among other social practices that existed in pre-industrial societies (1994:36). In other words, differentiation is not viable with modernization neither is the nation in the pre-modern sense.

In this matter, Benedict Anderson observes that all nations are modern creations resulting from the construction of nationalism. However, he sees some problems regarding Gellner's argument about nationalism inventing nations where they do not exist. To Anderson (1991), all communities are imagined, the imagining is a modern process and it does not imply a division between 'real' or 'imagined' communities as long as they are based on imagined relations instead of face-to-face interaction, which exists within "natural or pre-modern communities". Nations, from this point of view, are not the products of given sociological conditions such as language, religion and ethnicity. Rather, they are created through major modern institutions such as the "print-capitalism" put in place to imagine these communities as limited, sovereign and exclusive ones.

Nevertheless, a crucial question is: what is the relevance of sociological conditions such as ethnicity, language and culture in such nationalist constructions? Can the glue that holds nations together be ethnic in character? Without rejecting the manipulative dimension of nationalism and without denying the modern status of nations, Anthony Smith (2001) adopts an intermediate standpoint, which he calls "ethno-symbolism". He focuses on the ethnic roots of modern nations by arguing that ethnic identity is not a recent invention. *Ethnies*, understood as human populations with shared ancestors, myths, history and culture, can be traced in ancient history as the antecessors of modern nations. What is central to Smith's delineation of ethnie is that it encompasses substantial elements of sharing and internal solidarity. In this sense, Smith is interested in the cultural forms of emotions, attitudes and perceptions that are expressed and codified in myths, memories, values and history of a determined social group. From this perspective, nationalism is an ideological movement that seeks to attain and maintain autonomy, unity and identity on behalf of the members of a determined social group (Smith, 2001:24-25). In the process, nationalism continually re-narrativizes the past to serve its present. Smith's emphasis on shared narratives and belonging are relevant to the creation of national solidarity and 'contrasting', which usually takes the form of negative stereotyping. Contrasting is not only a political instrument to create loyalty and internal homogeneity but also to achieve recognition (Eriksen, 2004: 57).

Although Smith's perspective is important, the primordialist/constructivist debate on ethnic identity, a debate also framed as 'ascriptive' versus 'situational'

(Enloe, 1980), is not overcome, because the question continues to be whether national identities are essentially fixed or flexible. More recently, a third view has started to emerge, which effectively synthesizes the two opposing perspectives. In this sense, we could argue that primordialists are right when claiming that community and shared memories and ties are central to the formation of the national sentiment, but also that constructivists' emphasis on creativity and imagination in conjuring the nation into existence is equally pertinent. From this perspective, ethnic identity is both rooted in history and subject to social manipulation (Majstorovic, 1997: 4).

In this matter, Hutchinson's concept of cultural nationalism (1999:394), which is different from the state's political project, synthesizes nationalism and ethnic identity not to defend language as synonymous of culture or as a mean of communication but as a collective and historically-rooted way of life. Cultural nationalism revives what makes a nation a distinctive and primordial collectivity that has a name, a history, a culture, a homeland and distinctive social and political practices. In this sense it is not a matter of inventing identities, rather of discovering the historical roots to legitimize political strategies. Nonetheless, according to Hutchinson (1999:397), cultural nationalists do not manipulate ethnic identity, rather they should be considered as political mediators engaged in a process of self-discovering a collective definition in order to offer alternative visions of the nation. However the question is: how far does this process go? When do cultural nationalists stop being political mediators?

Globalization has engendered the resurgence of cultural and religious fundamentalisms claiming the power of naming the true nature and essence of religion, tradition and culture. The essentialization of tradition, religion and culture is a process of discourse formation with a genealogy and history of representation based on colonialism and oppression, which creates a regime of truth that observers must follow. In exploring Islamic fundamentalism, Minoo Moallen (1999:323) has posited that the process of discourse formation implies a regime of truth that is not pre-modern, but rather counteracts modernity by opposing a cultural difference that claims homogeneity and unity; as I will discuss later.

Stateless nationalism and Indigenous nationalism

Increasingly, scholars have recognized the importance of new expressions of nationalism and autonomist movements among national minorities. However, the analysis on stateless nations and nationalism has focused on sub-national units in western countries and to a lesser extent on Aboriginal peoples. Three main trends can be identified in the literature on stateless nations.

1) The one that focuses on single case studies exploring the re-emergence of nationalism, its trends, reason and challenges. Some examples include Quebecer, Vasque, Scottish and Flemish nationalisms. (Sarra-Bournet and Saint-Pierre, 2001; Arel, 2001; Karmis and Gagnon, 2001; among others).

2) A second trend focuses on comparative studies, which examine and compare regions and regionalism in Europe, especially in the context of different

decentralization experiments encouraged by the European Union (Keating, 2001; Ferrán Requejo, 2001; among others).

3) The last trend focuses on globalization and the emergence of "peripheral" nationalism or "tribalism". In this context, the process of regionalization and its impact on changing identities are underlined as a result of the national state's lack of legitimacy (Guibernau; 2001; Walzer,1999; Charles Taylor, 1999; among others).

Although these three approaches contribute to the discussion on stateless nationalism, it is difficult to find an extensive theoretical discussion on stateless nations establishing a clear-cut distinction between national states and stateless nations. Both ethnic groups and nations are bound together by similar characteristics such as language, myths and religion. Perhaps, a first difference between the two is that stateless nations aspire to develop some kind of 'politically separate existence', to use Ted Robert Gurrs term (1993: 15).

Connor (1994) coined the term 'ethnonationalism' to denote both loyalty to a nation deprived of its own state and loyalty to an ethnic group. As nationalism refers simultaneously to state and stateless nationalism, the distinction between the two forms of nationalism may be blurred. The emotional attachment to lineage, ancestry and continuity is shared by both forms of nationalism. However, a second difference is the unequal access to power and resources of stateless nations if compared to national states.

In this direction, Monserrat Guibernau (1999:1) argues that 'nations without states' can be understood as "...cultural communities sharing a common past, attached to a clearly demarcated territory, and wishing to decide upon their political future which lack a state of their own. These communities are included within one or more states, which they regard as alien, and assert the right to self-determination, which is sometimes understood as further autonomy within the state, in other cases it involves the right to secession". Guibernau further argues that the combination of cultural identity with territorial identity and the emphasis on this composite identity over all others is what gives nationalism much of its appeal and resilience (Gibernau, 1993: 3). Thus, state and stateless nationalism also share the notion of territorial attachment.

To most analysts, the emergence of national states as the dominant form of social and spatial organization around the world is linked to the success of nationalism and the conditions of modernity (Breuilly, 1993; Gellner, 1983; Anderson, 1983). The relationship between nationalism and the shift on the significance of territory has received less attention. Simply put, territory was transformed from a geographical expression of cultural identity into the fundamental basis for defining group and individual identities (Penrose, 2002: 283). The state as a unique form of social and spatial organization is the product of innovative practices of territoriality. Nevertheless, the strategy of territoriality is not exclusive to national states as stateless nations claim territorial rights. According to Penrose (2002: 280), territoriality is the strategy through which people construct territory and the boundaries that give symbolic meaning to notions of ‘us’ and ‘them’, ‘ours’ and ‘theirs’. What is important to point out here is that stateless nationalisms currently challenge the state territorial legitimacy. What has contributed to this challenge and assertion of nationhood in the global era?

The importance of modernity for the rise of nationalism is accepted by most students of nationalism. Modernization is seen as the foremost cause of international conflicts. By dismantling local boundaries, promoting economic development and unleashing market forces, modernization has produced animosities and nationalisms. In the last decades, dramatic socioeconomic and cultural changes have contributed to the emergence of what has been called “new nationalisms”, which are shaped and shape the various phenomena linked to globalization and which tend to be backward-looking (Kaldor, 2004: 162). This phenomenon is associated with a new process of re-localization, which expresses the complex relationship between the global and the local. As Turton (1997:11) observes, people cannot think locally unless they have already an idea of a global context in which localities can exist. Thus, to make a claim to self-determination is to assert a global identity and to occupy a position in the discourse of rights.

In this sense, Indigenous identity is the condition of participation in the global dialogue. Indigenous identity claims a political voice for those who have been the most marginalized and oppressed by modernity and asserts for this group the right to have rights. As Jung (2003: 436) observes, the condition of an Indigenous political identity does not result from the prior existence of an ancient culture nor from the set of traditional practices that bound people together. Rather, Indigenous identity attains resonance to the extent that it is used by the state itself as a marker of inclusion and exclusion. Consequently, there are many Aboriginal peoples who identify themselves by their political-legal relationship with the state rather than by any cultural or social ties to their communities. Alfred and Corntassel have argued that this is a continuing colonial process that pulls Indigenous peoples further and further away from their cultural practices and community aspects of 'being Indigenous' towards a government politico-legal construction. This phenomenon is referred to as being 'incidentally Indigenous' (2005: 659).

The power of defining extends beyond the national state. Indigenous identity is constructed at the global, local and not only state level. The World Bank, the United Nations, the International Labour Organization and other global actors contribute to this process of determining who is Indigenous and what is the meaning of being Indigenous. As Alfred (1999: 85) has noted, demands for precision disregard the reality that group identity varies with time and place.

The transformation of a modern discourse of Aboriginality and primitivity (Barkan and Bush, 1995) into an internationally recognized legal and political identity (Kingsbury, 1995) has had peculiar effects upon communities that now find themselves as Indigenous. Therefore, both Indigenous identity and nationalist demands emanate from a crisis of identity, as their humanhood is buffeted by misrecognition and incoherence in the modern world. As Sheyla Benhabib (1992:81) argues, "the continuing subjection of tradition to critique and revision in a disenchanted universe make it difficult for individuals to develop a coherent sense of self and community under conditions of modernity. Related to the sense of insecurity is the encounter with globalization and the impotence that arises when crucial decisions affecting people's every day life are made further away" (Kaldor, 2004: 169). In these circumstances, the reification or essentialization of culture is also part of the globally circulated difference politics and is also a political strategy aimed at counteracting dominant discourses and political power with a logic of preservation.

Stateless nations demand the recognition of their status as nations by claiming a position in the discourse of rights. As Guibernau (1999:26) observes, most of these communities emphasize memories of a past where they used to enjoy autonomous institutions. In addition, they contest their current relationship with the state, which is based on: 1) political dependence; 2) limited or non-existent access to power and resources and; 3) lack of political power to recognize their rights.

According to Guibernau (1999: 84), as stateless nations without states Indigenous peoples share the following attributes:

1.Consciousness of forming a group with a proper name.

2.The existence of a common culture that includes a common ancestry and a common myth of origin.

3. Attachment to a specific homeland.

4.The shared remembrance of some historical events, which often involves memories of a time when the community enjoyed its own independent institutions.

5.The will to decide upon their common political future.

Indigenous peoples represent themselves as nations or peoples in order to assert their right to self-determination. Through the language of nationalism, an idealized, oppressed and victimized image is constructed in order to make a compelling argument to defend Indigenous peoples' right to put forward a social, cultural, economic and political alternative whose roots lay on ancient cultural practices.

Indigenous nationalism, as other new expressions of nationalism, is exclusive and has in common with religious fundamentalism the insistence that tradition be followed rigidly and imposed on others. Since the goal of Indigenous nationalism is to restore the social group's status as nation, intense conflicts may arise between traditionalists who fear external innovations and those who want to articulate options by means of which tradition may be redefined on an Indigenous basis of collective development in the modern world. Tradition, in this sense, becomes a crucial site of struggle.

Tradition: a site of struggle

Culture and politics are closely related in every society whose self-representation rests on an idealized past (Babadzan, 2000:131). The study of sacralization of culture and tradition has usually been in the hands of anthropologists, who have focused on exotic societies and their particular traditions as the opposite of modernity. Mark Phillips has proposed a new frame to discuss tradition, which could dissolve the simple binary opposition of tradition versus modernity' associated with previous discussions. Phillips argues that once we stop defining tradition as resistance to modernity, the term becomes again a way of raising essential questions about the ways cultures and issues of power, invention, practice and interpretation are reproduced. Thus, tradition is a newly complex, open-ended, subject.

As Clifford (2003) argues, a newly complex view of 'tradition' is inseparable from of its binary opposite 'modernity.' Over the past half century, evolutionist visions of progress have been challenged by two interrelated but distinct shifts: decolonization and globalization. Both unfinished changes, in different, interconnected ways, they displace the coherent subject of a singular modernity.

In the Western worldview, tradition has been defined as the opposite of modernity. Tradition has been understood as authoritarian and irrational. In contrast, modernity is legal, rational and depersonalized. Tradition is linked to the past, the repetitive, the conservative, the religious, the native, the local, the irrational, the non-Western in short.

Stephanie Lawson has argued (1996:14), that the rigid dichotomization between tradition and modernity has led to the assumption that everything traditional is for that matter irrational, while everything modern is necessarily rational. The dichotomy traditional/modern implies, on the other hand, that what is modern is constantly immersed in innovation, while what is traditional remains backward or is, at best, conservative. In this context, innovation is always seen as the positive pole of the dichotomy.

It has also been argued that the rigid distinction between tradition and modernity has been useful to construct a discourse that promotes Western values and devalues other cultures, but also to construct a discourse that promotes the idealization of non-Western cultures and cultural relativism that Said has term 'orientalism' (1978). Similarly, T.H. Wilson (1984:10) has pointed out that this type of division strongly presents a non-dialectical image of the world by associating concepts such as primitive, traditional and Third World to "otherness" and the "other".

Other scholars have written on the misleading distinction between tradition and modernity by arguing that tradition itself is not devoid of rationality. Carl J. Friedich (1972), for instance, notes that the basis of reasoning and rational argument is in fact grounded in tradition. Similarly, Karl Popper (1972) in his work on scientific methods observes that tradition, like scientific theories, is a means through which we try to bring some order to our world. In other words, it is a way to make the world predictable.

Newman (1975) and Gadamer (1975) help us understand tradition and traditional cultures as potentially changing and dialectical. Abrupt changes and community's ability to confront anomaly fashion new configurations of knowledge. Communal ability to persist, innovate and change in its own terms is, as Clifford (2003) argues, related to internal power relations. Cultural immobility as well as dynamism, thus, are matters of politics, not of essence, and as such subject to contestation. The shift to understanding tradition beyond binary dichotomies is not only important but also urgent. The question is: why now? What kind of historical processes make 'tradition' a problematic site for social and political negotiations? Clifford (2003) identifies two kinds of processes.

The first kind of process refers to the anti-colonial struggles of the 1960s, which challenged the West self-appointed location at the progressive end of history. During this period, many societies conceived of as 'traditional', 'backward' and 'underdeveloped', made claims to an alternative modern destiny. Nevertheless, it was not only a matter of 'traditional' peoples finally entering modernity but people from the margins such as women, racial minorities and underdeveloped societies, who made claims for equality, public voice and for room to manoeuvre in contemporary socio-political settings. Perhaps more striking has been the spread of Indigenous nationalist movements asserting nationhood and demanding self-determination. In this context, some theoreticians started to recognize alternative articulations of modernity (Hall, 1999; Friedman, 1996; Taylor, 2000; Rofel,1999.)

The second type of process is related to globalization, which is understood as the global scale phenomenon that cut across national boundaries, integrating and interconnecting communities and organization in a new space-time combination (McGrew, 1999). This is what John Tomlinson (1999: 1) calls the 'complex connectivities', which exceed any top-down, systemic projection. Any account of the contemporary world must include a broad range of emergent social and cultural movements, which mobilize divergent 'traditions' in struggles over identity and place. Although the economic processes associated with globalization exercise enormous power to coerce and stimulate, its effects are uneven. Decolonization, neo-colonization and contestation are part of this global scenario and cultural hegemony is no longer the ultimate goal. Non-Western traditions like Indigenous tradition can adopt modifications and be articulated with capitalism. Indigenous identity has persisted but is also constructed through a process of local/global interaction.

In this context, the notion of 'invented tradition' started to be relevant to explain the emergence of Indigenous politics and with it the whole issue of 'authenticity' that shaped most of the discussion in the 1960s. Eric J. Hobsbawn's (2000) influential work focused on the mass production of new traditions within the process of industrialization in Europe and the emergence of the modern nation state remains a hallmark. According to him, invented traditions had a very modern purpose, which was to endow the modern political order with a new type of legitimacy different from divine foundation that used to characterize the previous social order. Invented traditions became the source of the new legitimacy.

As anthropologists widely used Hobsbawn's concept, Indigenous intellectuals claimed that it was residual imperialism to claim that dynamic traditions were catalogued by outside experts as 'invented' and as serving political purposes. As Clifford (2003) has argued, definitions of 'traditional authenticity' became a site of struggle. Indigenous communities and organizations, in their efforts to turn their cultural difference into a political advantage and in the struggle for establishing a new type of relationship with the national state, integrated tradition into politics and transformed it into a significant symbolic capital with different functions and values according to different contexts. Reclaiming, renaming, storytelling, asserting, updating, and engaging all became strategies used by Indigenous peoples to assert authenticity and, to some extent rigidity, as an open-ended process of preservation and decolonization. From this perspective, living traditions had to be selectively purified in the process of transforming communities.

Paradoxically, Hobsbawn himself had distinguished between invented traditions, as inherent to the emergence of the nation state, and custom or live tradition as inherent to traditional societies or cultural communities. According to Hobsbawn (2000:2), invented traditions were characterized by their rigidity whereas custom or live tradition was always evolving, because most traditional societies could not afford to be stable, having to constantly adapt to new social challenges. From this perspective, invented traditions are characterized by their fictitious reference to the past and by its legitimacy purposes, which are different from custom or those traditions from the so-called traditional societies. In other words, invented traditions are not just recent but they are modern practices, since they pursue modern, social and political objectives. In contrast, live traditions or customs from pre-modern or cultural societies have a changing character.

Similarly, Rory Ewins (1998: 29) defined two different ways through which tradition changes: the first one is that tradition changes when the physical or technological environment is transformed, the second one is creativity, which does not necessarily entail changes in the physical or technological environment but occurs when somebody puts in place a better idea that becomes accepted.

Tradition can be constantly re-defined because tradition changes and adapts in a continuous dialogue among its observers. In this sense, tradition is not something static, it rather is a dynamic process, socially constructed and modified in a wider spectrum of power relations (Vitalii V. Aver'ianov, 2001:85-86).

Thus, in the process of reclaiming the notion of authenticity and using tradition with political purposes Indigenous peoples asserted that dynamic traditions were based on a pragmatic selection and critical reweaving of roots. The engagement with Christianity, national politics, gender roles and Indigenous trasnationalism became crucial in the process. Nevertheless, such process also engendered essentialism and reification of cultures as cultural and political struggles mediated differences of region, generation, gender, urban versus rural location, and strategy. In this sense, what is at stake is the power to define tradition and authenticity and the legitimacy to determine the relationship through which Indigenous identity is negotiated and constructed in a changing world.

The meanings of the past and their relation to the present are considered ideological constructions of the current socio-political conditions. Tradition as a selective version of a de-socialized and timeless past can become a political tool to legitimize current situations as well as the agents who conduct this legitimization. The political uses of tradition or the politics of tradition is interconnected simultaneously at different levels of social life and is related to power relations and the process of identity formation.

Contemporary Indigenous movements have challenged the modernist binary dichotomy and have given new dynamism to tradition. As Clifford argues (2003), discussing tradition and its implications is crucial to understand a modern world in which fundamentalisms, ethnic chauvinisms and Indigenous revivals coexist. The making, re-making and un-making of tradition has become a source of innovation and instability at all political and space levels. This dissertation explores the reconstructive activities of Indigenous nationalism and tradition as a site of struggle involving control over culture and resources. This site of struggle involves cultural reconstruction, ongoing translation, power negotiation and contestation.

The reification of the past and Indigenous fundamentalism

The concept of tradition is closely related to culture and, by the same token, to identity. According to Stephanie Lawson (1996:11), tradition, culture and identity work to establish group status as a differentiated political entity, which can claim specific rights vis-à-vis other peoples. In this process, differentiation becomes a feature for politicized cultural identities, which are usually constructed as opposite to Western values, norms and cultures. Tradition, in this sense, has a strong normative dimension, because it is a source of political recognition. Why is it important that tradition is labeled as ancient or immemorial? Why is tradition a site of struggle that involves cultural reconstruction, ongoing translation, power negotiation and contestation?

Tradition has many meanings and facets. To Boyer (1990:109), tradition "is a specific type of communication, not in the restricted sense of transmission of information but rather as a type of interaction, which modifies peoples' representations in a relatively organized way". As a process of communicative interaction it applies to a vast range of moral, religious, legal practices, beliefs, ideologies and other practices the vast cultural inheritance embodies. It is within this wide worldview that customary law or custom is inserted. This term "loosely refers to values, beliefs and traditional institutions, whether long abolished or still alive (whatever their state of preservation)" (Babadzan, 1988:205).

According to Krygier (1986:240), tradition has three essential characteristics: 1) its pastness or at least the collective belief that its origin lies in the past, 2) the authoritative presence of the past in the contemporary life of a determined community, and 3) a belief of the past being transmitted from generation to generation. As an everyday reality, tradition is regularly invoked through storytelling, rituals and various social and cultural practices.

In modern Indigenous societies, these forms of everyday tradition and historicity tend to be superseded in discourse by political and economic readings of tradition. In contrast to lived tradition which is place-specific, the abstract conception of tradition celebrated in the nationalist narratives is generalized and distant from its diverse local footing. In nationalist discourse, traditional history is reinvented as a meta narrative of timeless cultural continuity that, nonetheless, clashes with cultural forms and social relations. By being imbued with political, anti-hegemonic meaning, tradition loses its very embeddedness in everyday life and is objectified as reflexively constructed and deployed (Schroeder, 2003: 12). Tradition may even be used as a source of Indigenous fundamentalism to brand all non-traditional members as political, cultural or religious dissenters. It is at this level that traditionalism as ideology appears in a context of transition from lived tradition to portrayed tradition. Traditionalism or Indigenous fundamentalism, in this sense, is external to tradition because it comes to life when tradition stops being alive and unconsciously lived. (E. Weil. Quoted by Babadzan, 2000:142).

Within the frame of traditionalism, tradition acquires a status similar to that of religious doctrines on the insistence that tradition be followed rigidly and imposed on others. Traditionalism imposes a status of authority that is oriented to preserve rather than to live tradition. As Latukefu wrote in 1972 (those) "who, today, advocate the preservation of traditional culture at all cost fail to realize... that you can preserve that which is dead. You cannot preserve a living culture, for it is ever changing, ever developing, shedding old skin as new ones burst into life..." (quoted in Ewins, 1998: 11).

However, traditionalism or Indigenous fundamentalism is not only aimed at preserving but asserting continuity. Tradition, from this perspective, is used as a strategy in the Indigenous peoples struggle for the reproduction of locality through representation. In this process, what is being represented to both the local society and the outside is not lived tradition but a claim to a history that is different from the national history and which is useful to make economic and political claims. As a political resource in locality production, tradition has developed out of the actual difference in historical experience and the need to conform to the current historical representation in a national and international discourse of cultural difference (Schroeder, 2003: 450).

Tradition as a selective version of de-socialized and timeless past and as a strategy to construct locality legitimizes current situations and the authority of those conducting this legitimization. As an ideology of continuity, tradition has no absolute value, it is an idea that can be filled with multiple meanings and it means different things to different people. Tradition can be either used to construct a traditionalist vision of the nation and a fundamentalist position to apply historical concepts to the modern context without any modification or to construct a flexible nationalism, which acknowledges a non-static interpretation of the nation. Tradition can be also invoked by different people, by elite politicians to impose and legitimize a cultural, political and economic project but also by the marginal to negotiate between the old and the new.

Indigenous women: between feminism and tradition

The literature on nationalism is abundant. Nonetheless, what is somehow notorious is that the study of nationalism has ignored the role of women even; though around the world different nationalist and liberation movements are being re-dimensioned because of the struggle of women to be recognized as important partners in these processes. Before this happened, democratisation processes, struggles for political autonomy and for national independence have usually had a masculine voice, even though women were actively engaged in these movements. In the construction of nationalisms, women were hidden, the idea of a "we" as a specific identity was based on male perceptions of the world, on a "masculine we" that pretended the notion of a "we are" as something unified, as if women had the same place as men in that "we".

Rick Wilford (1998:1), surveying the relationship between nationalism and women, argues that it is difficult to escape to a notion of nation and nationalism which is not male-crafted, because the idea has been to present a dichotomy to distinguish between an "us" and a "them", rather than internal cleavages within the "us". Whenever a nationalist movement is rising, values and symbols are a source of pride, but women's experiences are marginalized in the process.

Against these assumptions, feminist scholars have explored these hidden voices by demonstrating that women are central to the project of defining group identities. This trend in the academic field is a consequence of what has happened inside political processes. Women stand up as important allies in the struggle for autonomy or liberalization but, at the same time, are producing new transformations, as a result of their promotion of gender equality within their communities and social groups. Nonetheless, it is important to notice that even where there is a relevant attempt to theorize the relationship between women and nationhood and, more precisely, nationalism, this effort has been focused on nationalism with respect to national states.

In this sense, further exploration must be done in studying nationalism from stateless nations and women. In particular, it is important to develop new analytical tools to understand Indigenous women in relation to nationalism and tradition from a feminist perspective. The conceptualization of struggles, the construction the vision of the nation and the distribution of its material content must be gendered in order to understand how women, in this case Indigenous women, relate to nationalism, tradition and feminism. Andrea Smith (2005) notes that the discussion on Indigenous women's struggles and Indigenous nationalist movements has usually been framed in quite simplistic terms, which emphasize the lack of connection between feminism and Indigenous women.

Despite appearances to the contrary, Indigenous women are complex figures to feminists. They are complex not only because of their double identity but because Indigenous women's actions and political positions seem to point in contradictory directions. Certainly, post-colonial feminists (Spivak, 1989; Mohanty, 1991; Stasiulis, 1999) have discussed the "double marginal" previously, and as such they challenged other feminists to consider the intersections with other axes of difference. Nevertheless, Indigenous women differ, to some extent, from those of the so-called Third World analyzed by post-colonial feminism in important ways. The latter is concerned with issues of women's representation, the gendering of subjectivities and the institutions and practices through which the categories of woman and race are constructed, Aboriginal women emphasize self-determination while they also demand women's participation in all aspects of society.

The different issues that post-colonial feminists and Indigenous women raise are important when considering their perceptions towards nationalist projects. Critical differences between perspectives of Indigenous women, Western and post-colonial feminists result not only from their different experiences but also from differences in worldview. Indigenous women address concerns of gender equality either by drawing on cultural constructions honouring and valuing women or by incorporating non-Indigenous perspectives to theirs (McIvor, 1999: 173). Indigenous traditions emphasized by women generally place women at the centre of communities, families, political, and cultural practices, which emphasize the participation of all in achieving balance and consensus.

However, an important body of literature reveals contradictions and ambiguities in women's lives that defy easy generalization. Women within a community may experience a wide range of differences in their status, while individual women encounter considerable changes in their political position consequent to changing kinship statuses (Conte, 1982). Discrepancies between actual functions women perform and the prevailing gender ideology create further paradoxes in women's status relative to men. Despite the contradictions women experienced and their uneven access to essential resources, women's domestic functions and status often has been used as a means to facilitate rather than hindered their opportunities for political participation. Nevertheless, this process has centred on building and reproducing communities.

In fact, Indigenous women are usually problematic for feminists because their actions defy the logic of preservation by claiming the transformation of their communities but, at the same time, supporting the reproduction of a discourse of tradition that allows for other forms of domination, including those threatening feminism.

Aboriginal women are divided on the issue of feminist analyses and their contribution to understanding the unique history and social position of aboriginal women. Some Aboriginal women have argued that except for those who are 'assimilated', Indigenous women do not consider themselves feminists. Feminism, from this perspective, becomes a colonial project to domesticate Indigenous women. In this regard, M. Annette Jaimes and Theresa Halsey (1992) claim that national, regional, and global networking of transnational feminist practices must be seen in the context of global transnational colonialism. This colonialism targets Aboriginal people worldwide. According to these authors, Indigenous women are oppressed first and foremost as Indigenous peoples. The survival of Aboriginal peoples is ultimately the survival of all people belonging to those groups whether man, child or woman. Therefore, to support Indigenous nationalist aspirations women activists must reject feminism.

Similarly, in analyzing feminism in the context of Hawaiian nationalism, Haunani-Kay Trask (1996: 910-11) has pointed out that all feminisms are foreign to Native peoples and that feminism is a threat to nationalist aspirations. From this perspective, Native self-determination includes all people, not only women. Colonization traverses all aspects of Indigenous societies including women's issues, domestic violence and equal employment, among others. Indigenous women in these struggles fashion Indigenous-based views of what constitutes Indigenous women's issues.

Similarly, Voyageur (2000), Venne (1998) and Hammersmith (2002), among others, have gone further in observing that patriarchy, as an assumed common experience to women, was not inherent to Indigenous societies, it was rather imposed by European settlers. From this perspective, it follows that feminism is inadequate to address non-Western women's experiences or their gender aspirations within nationalist movements.

The divide between Indigenous women versus feminism has permeated many Indigenous women discourses centred on Aboriginal peoples' struggle for self-determination and sovereignty as the ultimate political goal of Indigenous women. Other analyses, however, have suggested that sexism and gender discrimination are not secondary concerns to Indigenous women (Bear, 1991; Blumer, 1993; Kovic, 2003). In fact, Indigenous women's engagement with feminist politics to address gender discrimination is more complex and varied that generally depicted.

As Andrea Smith (2005: 118) has observed, central to developing a Native feminist politics focused on self-government and self-determination is a more critical analysis of Indigenous activists responses to feminism and sexism within Indigenous communities. Indigenous women's perspectives cannot simply be reduced to the dichotomy of feminism versus non-feminism nor is there a clear relationship between the extent to which Indigenous women call themselves feminist and the extent to which they are 'genuinely' nationalists.

Aboriginal legal scholar Teressa Nahanee (1993) associated with the Native Women's Association of Canada has espoused the need for an aboriginal feminist perspective that will analyze "brown patriarchy" and identify solutions.

Monture-OKanee (1995: 244), on the other hand, adopts the position that feminist theories need careful scrutiny; what is useful in their analysis--but not necessarily ill-fitting solutions-must be taken up. Monture-Okanee also warns that from an Indigenous women's perspective it is not a matter of privileging neither a static vision of tradition nor regressive perspectives. Whereas Indigenous women may embrace culture and tradition, which make them support a nationalist project, they do not necessarily embrace the same vision of nationalism that men do; especially, when that means to perpetuate women's subordination.

Indigenous women's struggles have often been characterized as 'building community', while struggles for self-government and political autonomy have been represented as men's concerns. Nevertheless, the political choices facing Aboriginal communities are not between self-determination and community building or between collective rights and individual rights. Rather, they are about different ways of understanding self-determination and nationhood (Lawrence and Anderson, 2005).

In this regard, Lisa J. Udel (2001:56) notes that the emphasis on Native tradition does not preclude the integration of old and new traditions. In acknowledging the value of traditional culture Native activists do not embrace every single value just because it is labeled "traditional", particularly when 'tradition' is oppressive to women. Rather, it is important to understand who determines what is to be called traditional, and therefore valuable, and why they must be under scrutiny.

From this perspective, decolonialist and feminist practices represent two discontinuous yet supplementary struggles. Although Aboriginal women are often represented as being silenced by dominant patriarchal forces, but they speak, publish, assess and judge for themselves their marginalization, discrimination and dispossession. Their refusal to be silent is, nonetheless, a struggle that takes place under oppressive and difficult circumstances (Emberley, 2001: 102). The difficulty also derives from the fact that Aboriginal women's resistance is immersed in a context of struggle over what constitutes 'truth', which makes Aboriginal women's practices and resistance contradictory and contingent.

As tradition constitutes a crucial element of Aboriginal peoples' identity and also a source of power in constructing communities, it is subjected to manipulation and essentialization. Therefore, it is important to analyze its impact on Aboriginal women in order to understand women's vision of nationhood and how women have related to tradition. Indigenous nationalist movements represent identities, gender roles and construct traditions by naming, recognizing and placing subjects accordingly. From this perspective, "gendering Indigenous political debates", to use Linda Smith's (1999: 37) term, allows us to understand Indigenous women's discursive practices and political strategies as linked to a struggle over what constitutes truth.

As Indigenous nationalism and traditionalism force communities into the role of preserving and conforming the image and representation of resistance, Indigenous women's strategies are contingent, subversive and changing as women seek to gain some control over the process of political transformation. In subverting nationalism and contesting tradition women open the possibility of generating spaces, politics and communities outside the ubiquitous and closed presence of nationalism and tradition (Qadri Ismail, 2000:226).

Conclusions

Several conclusions can be drawn from this chapter. First, there is a need to revise the general assumptions of nationalism as a state movement whose ultimate goal is to build an independent national state. There are other types of nationalism such as cultural Indigenous nationalism, linked to globalization, claiming the power of naming the true nature and essence of religion, tradition and culture. Second, new nationalisms such as Indigenous nationalism are associated with a new process of re-localization, which expresses the complex relationship between the global and the local. Thus, to make a claim to self-determination is to assert a global identity and to occupy a position in the discourse of rights. Third, the process of re-localization has had peculiar effects on the Indigenous communities that now cast themselves as Indigenous peoples and are subject to a logic of preservation. Fourth, in the logic of preservation, tradition has become a political tool and a site of struggle. What is at stake is the power to define tradition and the legitimacy to determine the relationship through which Indigenous identity is negotiated and constructed in a changing world. Fifth, Indigenous women are pushed to conform to the logic of preservation and any diverging position they may adopt is regarded as assimilated or untraditional. Sixth, Indigenous women's actions defy the logic of preservation by claiming the transformation of their communities but, at the same time, supporting the reproduction of a discourse that allows for other forms of domination.

Throughout this dissertation, I will explore these elements as they play out in my four case studies.

Chapter II Mexico and Canada: Comparing the Terrain

Introduction

Among the most significant aspects of the late 20th century is the resurgence of Indigenous peoples as political actors claiming recognition of their specific rights. The most immediate manifestation of this resurgence has been Indigenous peoples' demands to be recognized as nations. As in other countries, Indigenous peoples in Mexico and Canada have been historically displaced from the decision-making process and marginalized from both economic development and the national project.

Since the 1970s in both countries, Indigenous peoples have struggled to become organized, to represent their identity as internal nations or peoples, and to assert their right to self-determination. Although Canada and Mexico have a very different history, legal tradition, culture and ethnic composition, these countries have experienced similar resurgence in their Aboriginal movements. By exploring the transitional context in which the Indigenous movements emerged and were transformed into nationalist movements, this chapter explains how this resurgence occurred.

I will argue that the impact of global and national transitional contexts in both Canada and Mexico have contributed to the emergence of Indigenous nationalism. The specific expressions of such nationalism in these countries reveal the complex ways in which national communities were constructed and the ties among the different groups developed along principles of exclusion/inclusion.

The processes associated with colonization put Indigenous peoples in a precarious situation. These peoples have often been excluded from participating in the political process and accessing state resources, so Indigenous peoples remain in the periphery, from where they struggle against the various forms of political, economic and cultural domination by the national states in which they exist.

Therefore, this chapter shows how historical and legal differences in both Mexico and Canada helped to create Indigenous nationalisms. They can be distinguished by (1) the sense of belonging of Aboriginal peoples to the political community and (2) their connections with other social sectors of the national community.

In Mexico, an early politics of Indigenous representation incorporated Indigenous images and other cultural resources into the construction and representation of the new national *Mestizo* identity. As citizenship defines the terms in which individuals belong to their political community, Indigenous peoples were active but subordinately included in the making of the Mexican national state. This situation contributed to create a strong sense of belonging in the political community and a weaker form of alienation among these peoples than they might have had otherwise. This sense of belonging has helped the Indian movement in building solidarity with other social sectors.

In contrast, Indigenous peoples in Canada, who were once military and trade allies of the European settlers, were later excluded from citizenship and segregated from mainstream society, which became centered on the two founding European descendant groups. This exclusion and separation contributed to create a weaker sense of belonging and stronger alienation among most Aboriginal communities than existed among Indigenous communities in Mexico. Thus, exclusion also prevented the Native movement from making cross-sectorial alliances.

An explanation of the historical differences and similarities between Aboriginal nationalisms in both Mexico and Canada starts with a discussion of the types of relationships developed between the European settlers and Aboriginal peoples in the two countries. However, long historical processes do not have a defined beginning and end; they are the result of numerous historical patterns. In order to describe them, we need to omit details and use generalisations aimed at explaining the processes of constructing the "New World" as the relational "other" of the "Old World" in North America. Furthermore, the politics of representation of "the Other" not only included Indigenous peoples, but also European empires competing for the control of this region. The construction of the New World and of "the Other" influenced the relationships that characterized European settlers and Indigenous peoples encounter.

Edward Said, in his famous book *Orientalism* (1985), detailed how institutions and discourses constructed the Orient and the essence of orientalism by distinguishing between Western superiority and oriental inferiority. Various strategies such as archives or travellers' information and tales, knowledge and religion were used. In the process of expansion, Europeans were astonished by what they described as an uncivilised natural world, or the world of "others." When Europeans "discovered" America, it was home to millions of culturally, socially and politically diverse people.

The Clash of Indigenous and Hispanic Worlds in Mexico

Before the Spaniards arrived in the territory known as Mexico, a diversity of Indigenous peoples were living there, many of them subjugated by the Aztec empire centred in what is today Mexico City. The Aztecs controlled most of the region known as Mesoamerica, and while they imposed the payment of tributes on their subjects, these peoples were not culturally conquered or assimilated. Between the 15th and 18th centuries, during the European expansion, European monarchs had become convinced that their right to possession over new territories was based upon the idea of "discovery." At that time, Europeans generally accepted that the entire globe was 'God's land', and European empires commonly seized overseas territories if another Christian monarch had not already claimed them. Through Papal Bulls, the Pope granted recently discovered lands to the Catholic monarchs who claimed them (Green and Dickason, 1993: 17).

When the Spaniards came to the Americas, they colonized most Indigenous peoples and took possession of their territories under the assumption that the original inhabitants were not 'human', and thus the territories discovered were *Terra Nullius*. From this perspective, Indigenous peoples lacked any identity and by the same token, did not require any process of mutual recognition. Later on, after an intense political and philosophical debate on the nature of the souls of Indigenous peoples, it was decided that they were indeed humans and had rights but that they were the Spanish Crown's subjects. This change in the Spanish Crown's attitude towards Indigenous peoples illustrates to what extent otherness and the myth of the savage were part of a European discourse reproduced through power relations. Nevertheless, this change also had to do with exercising stronger imperial control in possessions overseas. The kings feared that the Crown was losing control over Spanish colonizers. Strict rules needed to be implemented in order to mediate relations between Europeans and Indigenous peoples.

The Spanish crown initially imposed a system of indirect rules and legal segregation. The so-called "Indigenous Republic"[1] as a distinct public entity separated from "Spaniards' Republic" was created. The purpose of this legislation and the Indigenous Republic was to change the Indigenous peoples' township pattern in order to use Indigenous administrative and government institutions to tax and collect tributes for the Spanish Crown. As a result of such legislation, these new communities became the centre of social, cultural and economic reproduction for Indigenous peoples (Florescano, 1998:186). Perhaps more important, a legal corpus, the so-called *Leyes de Indias* and a separate tribunal the *Juzgado General de Indias*, were established at the end of the 16th century to protect Indians and Indian titles from the Spaniards' abuses

---

[1] The term republic derives from the Latin res publica and refers to any public entity or community.

(Woodrow, 1985:90). Indigenous communities' land titles included ownership over water, forestry and several kinds of land for communal and individual use.

As John Tutino (1990:41) has pointed out, this legislation gave Indigenous peoples local political independence and different types of land for their collective use. These lands were protected by colonial legislation from non-Indigenous disturbance and invasion. During the Colonial period, Indigenous communities were recognized as collective autonomous entities, and their governments were elected through traditional mechanisms and had a variety of functions such as taxation, regulation of lands, organization of communal and religious celebrations, as well as representation outside the community. The nature of Hispanic jurisdiction over Spanish colonies contributed to strengthen Indigenous collective values and institutions because Indigenous peoples were recognized as subjected to the Spanish Crown through autonomous entities.

Although the Indigenous Republic allowed Indigenous peoples to politically, socially and economically reproduce as autonomous, collective entities, we should not assume that the Indian legislation made Indigenous peoples and Spaniards equals. As Tzvetan Todorov argues (1999), for Europeans at that time, being equal and different was inconceivable. Their doctrine opposed not only quality/inequality, but also identity/difference; therefore, people could not be equal and different at the same time. The opposition to equality/difference was, under this premise, marked by a relationship of superiority/inferiority.

Form this perspective hierarchical stratification and classification inevitably marked the "New World" society, which was defined by purity of blood and race. Although at the beginning, Spaniards and their Mexican descendants, or Creoles, were at the highest level and Indigenous people at the bottom, this pattern slowly marginalized Creoles from decision-making positions. The expansion of the colonial economy prompted massive Spanish traders' and business people's migration to the New Spain. Their wealth and their loyalty to the Spanish metropolis helped them in displacing Creoles from institutions and municipal levels of government. Spain promoted the Spaniards' control since it supposed a stronger loyalty to the Spanish Crown. This situation, however, increased the Creole's resentment and helped to intensify their desire to have an independent fatherland (Brading, 2003:40).

Mexican Independence: Inventing the *Mestizo* nation

The nation dominates the landscape of modern history because it cannot be omitted from any modern political constructions. Nationhood is the supreme justification for the emergence of independent nations, as was the case in Latin America, particularly in Mexico. The nation is present at both the international and the internal level. At the political level, it is related to modernity and to nationalist movements and parties who decide to act in its name and its defence. Although the New Spain was a mosaic with differentiated and stratified groups, they shared a religious background and political ties. In this section, I will argue that the emergence of the secessionist movement in Mexico was not related to the existence of an homogeneous culture, people or nationality. Rather, independence was promoted by a small social group that could not fully identify itself with either the Spaniards or the Indigenous peoples, but that had to appeal to the latter in order to succeed.

In recent decades, the study of nationalism has focused on the new character of modern nations by critiquing the essentialist and ahistorical nature most modern nations have attributed to themselves or by distinguishing the elements involved in the process of making a nation. Fewer studies have examined the collective identities or nations that preceded the modern nation-building process, although such studies could explain the process of making the modern national state. Nonetheless, not only modern nations but all collective identities are imagined. As Francois-Xavier Guerra (2003 :185) contends, collective identities are cultural constructions based on real and made up elements. Among the elements in this process is the political process of imagining the nation, which determines the way in which ties among members are developed, the size of the territory, its myths of origins, and its culture. National cultures, in this sense, are made of not only cultural institutions but symbols and imposed representations. A national culture is a discourse and a process of constructing meanings that influence the way we organise our concepts of both ourselves and of our actions (Stuart Hall, 1996).

Hispanic America was a mosaic with differentiated and stratified groups, languages and cultures, most of which shared a religious background and political ties, as a result of three centuries of common political life. In New Spain, the main actors involved in the genesis of the independent nationalism were not culturally different from their adversaries, but they had a very strong political identity. It has been argued that before the independence movement, a nationalist group understood as a 'nationality', which aspired to an autonomous existence as a national state, did not exist as such in New Spain. The independence movement, rather, was undertaken by Creoles, who, except for their place of birth and status, were not that different from those from the Iberian Peninsula (Guerra, 2003:187).

Creole patriotism developed in a context of important changes during the last fifty years of the empire. The Bourbon kings faced a severe crisis and the competition of other European empires that forced them to remodel the empire's economy and to advocate for a new economic system that would free merchants from the royal monopoly in order to compete more successfully with other empires. Similarly, administrative centralization and the elimination of indirect rule were put in place in order to enlarge the tax base of the Crown. This form of a more centralized administration excluded Creoles from the higher echelons of this new bureaucracy (David Brading, 1985:5). Administrative centralization, the tax burden, and Creole exclusion fostered a sense of Mexico being more than an assembly of provinces, each with a particular balance between Creoles and royal functionaries. Mexico, then, was seen as an independent land, and Creoles felt responsible for its destiny.

Andreas Wimmer (2002:123) suggests that the process leading to the foundation of the Mexican state conforms to a model that includes the following: (1) Competition. Competition and war between sovereign empires forced their elites to centralise the administration and to demand higher taxes from overseas colonies. (2) Intellectuals. The emergence of literate circles in the colony was closely connected to the reforms of the states and new economic opportunities that opened as soon as restrictions were lifted. (3) Ideology. The idea of of an independent fatherland. (4) The process of imagining the modern nation. This process involved the introduction of modern principles of government and entailed the reordering of the principles of inclusion in and exclusion from membership in the political community. However, such principles of membership became tied to ethno-national dividing lines, some of them inherited from the colonial past.

Creole patriotism had three pillars: (1) a new concept of the past or "historical indigenism" where the Creoles were the descendants of the Aztec empire; (2) a nationalized Catholicism based on the Virgin of Guadalupe or "guadalupism," a brown-skinned Mary who had appeared to an Indigenous person; and (3) a liberal vision of the national state where the hierarchical organization and corporations would be abolished in favour of equality and freedom for all individuals (Florescano, 1997: 334-46).

"Historical indigenism" should not be confused with the type of genuine romantic nationalism that would emphasize a people's history. As mentioned earlier, Creoles were Spaniards' descendants born in Mexico. "Historical indigenism", then, is a Creole re-appropriation of the Aztec past now reinvented and made comparable to Greek greatness (Wimmer, 2002:122). The real Aztec descendants become irrelevant to this re-appropriation as well as to cultural diversity. Under "historical indigenism," Creoles used arguments vindicating Aztec nationhood and sovereignty and emphasizing how the Spanish conquest had violated them. However, Creole patriotism never considered that the future Mexican nation should be built on a foundation of a diverse Indigenous majority (Brading, 1985; Lira, 1986).

Although the independence movement clearly was initiated and led by Creoles, most studies have revealed popular and Indigenous participation in this process. Indigenous groups participated in the independence movement not only to support the Creoles and fight the Spaniards, but also to pursue their own interests. In so doing, Indigenous peoples and peasants developed various strategies including alliances, reserved opposition, or confrontation to weaken the political elite. In Southern Mexico, for example, a powerful popular movement made up of Indigenous peoples, ranchers, black and *Mestizo* communities mobilized to defend local political rights, communal ownership and cultural autonomy (Tutino, 2000:131).

Popular and Indigenous confrontation became strong, particularly when "historical indigenism" and "guadalupism" were replaced with liberal and republican ideologies. In this process of imagining the nation, the sovereign nation was constructed to represent the Creole identity and interests (Wimmer, 2003:125). Nevertheless, this new episode opened space for competing visions of the nation and of republicanism among other social groups. During the 19th century, intense debates on the character of the new republic took place between conservative and liberal factions. Conservatives asserted that Mexico should be a monarchy while liberals thought Mexico should be a republic like France or the United States. The adoption of a federal system reflected in part the strength and power of local strongmen who would not allow power to be concentrated in the centre. However, the process of political formation did not finish until the 1910 revolution, where again the participation of diverse local *caudillos*, or strongmen with particular political agendas, showed the unfinished character of national state building.

With the imposition of liberalism by the mid-19th century, the notion of citizenship was enshrined and fused with the notion of national community. This process, of course, entailed the removal of Indian status, because under the new liberal rationale, it belonged to the colonial and conservative past. Under the 1857 Mexican constitution, Article 27 was included to suppress communal land tenure, with disastrous consequences for Indigenous peoples (León Portilla, 2003:53).

Indigenous communal lands and the corporations of the Church were identified as the main obstacle to the republican project and individual ownership. The *Leyes de Reforma* (Reform Laws) were supposed to eliminate such obstacles. Indigenous peoples were considered unsuited to be part of the sovereign state; and only complete assimilation would make possible a unified and homogeneous nation. Why was "historical indigenism" replaced in the process of making the nation? The exclusion of Indigenism was an exercise of "cultural power," understood as a political strategy intended to marginalize, and silence Indigenous peoples and their cultural resources in order to subordinate them to the political elite. The Creoles understood that an identification of sovereignty with the Indigenous majority would jeopardize Creole economic and political positions inherited from the colonial past. Handing power over to the Indian population would have meant at some point the revenge of the once conquered and colonized (Brading, 1985:92).

When liberalism and republicanism became the main political and ideological trends, Indigenous peoples' expressed their reactions in several regions of what is now Mexico. The late 18th century was a time of numerous Indigenous revolts against the reduction of Indigenous autonomy and natural resources. However, at that time, the elite opinion about this process was that these struggles were not against the loss of collective rights, but were actually a "*guerra de castas*" or a race war. In the elite's opinion, Indigenous peoples were aiming at exterminating the "white race" (Florescano, 1997:350-71). Such arguments were useful to the political elite to justify depriving Indigenous peoples of their citizen's rights and even selling them as slaves to Cuban sugar plantations.

Indigenous uprisings against the loss of collective rights, sometimes in alliance with local powers, continued until these struggles merged with the Mexican Revolution in 1910. As a consequence of Emiliano Zapata's struggle and a massive Indigenous participation, the Indigenous demands were incorporated into the Mexican Constitution of 1917, which, under Article 27, created the *ejido* and recognized the communal use of land. *Ejido* was a form of land tenure in which plots could be individually used but not sold nor bought. The creation of this particular form of land tenure strategically changed the notion of Indigenous rights as being granted by the national state instead of being recognized as a pre-existing right. *Ejidos* were granted to communities rather than to individuals. With article 27, colonial land titles were upheld and widely used by Indigenous communities to recover lands that had been taken from them by local strongmen, especially in Southern and Northern Mexico.

After the Mexican Revolution, the narrative of the nation as told in national history, literature, the media and the popular culture recuperated the image of the Indigenous peoples to develop a stronger and more militant nationalist movement. Nonetheless, as it has been the case in the past, the exaltation of the Indigenous image was based on the great pre-Hispanic Indigenous cultures and not on the living Indigenous people. Regarding living Indigenous communities, the diagnosis made by well-known anthropologists such as Manuel Gamio was that the Mexican independence had accentuated the exclusion of Indigenous peoples from all aspects political, economic, and social life.

Gamio suggested that Indigenous peoples should be included in the state project not only as a cultural image but as differentiated cultures. He argued that Indigenous traditional forms of governments and normative systems should be respected and recognised in order to allow Indigenous peoples to be self-governing, not as isolated nationalities but as national minorities recognized in the constitution and general laws (cited in Portilla, 2003: 267-70). Gamio (1919, 12-13) wrote that the *Leyes de Reforma* had produced irreparable damage to

Indigenous communal lands by allowing landlords to steal and accumulate lands belonging to Indigenous communities.

Although Gamio influenced most early 20th century anthropological thought, the government's Indigenous policies focused on the promotion of Indigenous communities' development, education, health and economic activities. In this sense, Mexican *indigenismo* was somehow influenced by the U.S. government tribal policies particularly, the Reorganization policy. As in the U.S, in Mexico the government policy centred on the revision of national structures aimed at expanding citizenship through economic reforms within Indigenous communities.

The consolidation of the post-revolutionary period relied on a populist regime that worked through what has been called "corporatist citizenship," which is a model of authoritarian political integration and loyalty to the political regime (Neil Harvey, 2001:1047). Under nationalist ideology, the government promoted a homogeneous Mexican population in which ethnic, class and gender cleavages did not exist. Cultural integration became central to Indian policy until the 1970s.

The first contacts in Canada: sovereign or subjected nations?

Unlike in Mexico, in Canada the first contact between Europeans and Aboriginal peoples was based on a process of mutual recognition and on treaty relations between autonomous sovereign entities. However, I will argue the treaty relations between European settlers and Aboriginal peoples were contingent on and a result of the competition among mercantile empires to control North America.

The original inhabitants before the arrival of Europeans constituted sovereign nations exercising most of their government functions. The vast territory now known today as Canada was inhabited by diverse peoples, who depended on fishing, gathering and hunting, activities requiring mobility. These societies had their own cultures/languages. Some of them were made up of several nations that had similar cultures but lived autonomously. Others developed into very complex political and legal structures which absorbed smaller nations. When Europeans arrived, Indigenous peoples ceased being the only players controlling North America (Dupuis, 2002:41).

The interest of France and England in North America was circumscribed in a context of ferocious competition with Spain and Portugal, which had firmly established their possessions in the New World. When France decided to enter the race, Spain, based on its status as the first Christian crown to claim American territories, immediately challenged France's right to exploit the wealth of the Americas. In response, the French monarch invoked a new doctrine of imperialism to assert France's right to exploit lands not previously occupied by another Christian power. France argued that, basically, imperial claim to the territory in the New World and elsewhere should not rest on papal decrees, as the Spaniards argued, but on the doctrine of prior discovery, conquest and settlement. In order to retain exclusive rights to the resources of North America, France decided to found a strategic colony and to use the ideology of propagation of faith among the original inhabitants as a political justification (Riendeau, 2000:22-23).

Similarly, England, as a Protestant country, did not accept papal authority and used the doctrine of new discovery and the method of claiming sovereignty over a discovered territory by establishing settlements. Both France and England initially respected the right of Native peoples as occupants but assumed the ultimate dominion to be in the European crowns. These countries claimed and exercised, as a result of this ultimate dominion, the power to redistribute territories in possession of Indigenous peoples (Green and Dickason, 1993:81).

Although the rules of possession were relatively clear and based on first discovery and settlement, the British and French crowns were constantly at war with each other for the control of northern America. Just as they fought Spain when it claimed to possess the whole hemisphere, France and England fought each other over Hudson's Bay after the British had established a fur trading company. They also fought over Acadia several times, until France finally ceded it (Saywell, 1994:22). As well the British claimed the conquest of New France, now Quebec, the earlier French settlement, in 1759.

French and English policy towards Indigenous peoples and representation of the "Other" was also influenced by the competition between themselves and Spain. While Spanish representations focused on "the Other" as somebody engaged in cannibalism and decadence, English representations focused on two separate worlds. Butcher (1990: 18-20) has argued that Spanish representations of the anatomic images and the consumption of food were structurally related, in the pre-logical manner of myth, to the social codes defining social relations between Europeans and Amerindians that served as social boundaries to distinguish between Spaniards and Indigenous peoples.

Furthermore, as England regarded Spain as its main competitor, English Protestants also attempted to discredit the Spanish colonial enterprise. According to Gedges Gonzalez (1999), English Protestants highlighted the violence that Spaniards inflicted on Indigenous populations and insinuated that miscegenation was the cause of decadence among the Indigenous peoples. In contrast, English Protestants omitted scenes of violence and decadence from representations of English colonization. Instead, they viewed their own colonial enterprises as orderly business punctuated by some accidental regrettable instances. Thus, the Black Legend or the Spanish atrocities in the New World became a way for English imperialists to distinguish their benign project from the destructive one of the Spaniards (Brown, 1993: 665). According to Butcher (1990: 18-20), this difference would later be used to normalize of interracial marriage taboos, racial segregation and the creation of reservations, all characteristic of English North America.

In this sense, competition over overseas territories, the need to guarantee Indigenous support for commerce, and the construction of the English benign project overseas were the main reasons to establish treaties with Indigenous peoples. The signing of treaties has commonly been perceived as an exclusively British imperial policy but other European empires also used this strategy whenever competition forced them to secure Indigenous support. For example, Spain did not enter into treaties in Mexico, but did so with some Native peoples such as the Choctaws of Nueva Vizcaya in what now is the southwest United States, as well as with the Mapuches in Chile (Parry, 1969). Unlike Spain in New Spain (now Mexico), France and England needed Indigenous peoples as allies in the process of controlling North America, and the alliances with them were too important to be left local settlers. The Canadian government later inherited this pattern of centralised attention to Indigenous issues (Armitage, 1998:70).

First Nations entered into treaties with both French and English settlers to secure the fur trade and to establish military alliances, but the Aboriginal peoples had previously negotiated treaties with each other. According to Thomas Hueglin (2000), First Nations had traditionally used treaties as a way to recognize each other as autonomous political entities.

Relations between European settlers and Aboriginal peoples were, thus, based on the idea of two separate worlds that could establish co-operative relations. However, the meaning of these treaties became ambiguous over time. For Indigenous peoples, treaties were a way to establish friendship and co-operation between nations, whereas for white settlers, treaties meant that Aboriginal people accepted their designation as the King's subjects as well (Royal Commission Report, 1996:113).

Relations between Europeans and Aboriginal peoples, as a consequence, were complex and diverse, featuring several contradictory elements. Indigenous peoples and Europeans settlers were partners, but Indigenous peoples were the Crown's subjects. They possessed the land but the Europeans assumed the ultimate right to control it. Perhaps, the document that best expresses these contradictions is the Royal Proclamation of 1763 announced right after France had been defeated and New France ceded to the British Crown. For some authors, under this document, Aboriginal peoples were recognised as autonomous political entities capable of signing treaties with the Crown but, at the same time, subordinated to the Crown (Frideres, 2001:15-16). For others, the Proclamation refers almost exclusively to relations between Indians and settlers; it attempts to protect the former from exploitation by the latter as well as to protect the lands reserved for Indians (Green and Dickason, 1993:102). In this sense, the Proclamation could be similar to the Spanish Indian Republic and *Ley de Indias* in Mexico.

The Royal Proclamation regarding Indigenous peoples was ambiguous, perhaps, because it was a policy intended to deal with several issues at once. On the one hand, it was aimed at presenting New France as a hospitable place for immigrants from the south (cited in Burt, 1968:198-199). On the other, it was intended to pacify upset western Indians who disliked the British practice of entering into treaties to get land and also to establish the new fixed boundaries between the colonies and reserved Indian lands. However, this policy proved to be futile since ordinary non-Catholic farmers from the South did not dare contemplate the prospect of living among a Catholic majority in a harsh climate. Only a few hundred British merchants from the 13 colonies moved to Quebec, quickly filling the empty space left by the departing French fur traders. This commercial English elite eventually rose to a position of dominance, becoming a source of recurring conflict in Quebec politics and society (Riendeau, 2000:70).

David Chennells' (2001:24) concept of "power cleavage" is useful to explain the tension or division, apparent in many circumstances, between those holding power and those who do not, or between the political elite, who are associated with a lower propensity to confront difference, and ordinary citizens, who tend to embrace "exclusive nationalism" more frequently. The Royal Proclamation was an elite policy aimed at attracting British settlers from the south and at accommodating a French Catholic way of life, thus, recognising the existence of the two different backgrounds of the European settlers.

Those who tailored such a policy were apparently more prepared to accommodate the enduring presence of a different way of life within the colony than the ordinary British settlers, who did not accept or respond to this policy. It has been argued that, in general, European political elites had more in common with each other than with ordinary citizens. From this perspective, the wars between France and England in North America were not a matter of religious, cultural and language difference, but of conflicting strategic objectives between mercantile empires. France and Spain already controlled many colonies and, therefore, a large proportion of the global market (Harlow, 1964:20). However, while elites where competing for the control of the resources and the market, ordinary citizens perceived difference and felt threatened by it.

Statecraft in Canada: Colony or Country?

As argued previously, one of the differences between Mexico and Canada is Canada's complex ethnic composition, which is reflected in its competing nationalisms. In this section, I intend to discuss more extensively the problematic relationship between European settlers and how this helped to displace Aboriginal peoples from the statecraft process. Historical contextual differences and representations and relationships between the colonizers and Indigenous peoples evolved in different directions and gave rise to different conceptions and visions of 'national' community. In Canada, the initial nation to nation relationship established between the European settlers and Aboriginal peoples gradually changed with the re-categorization of cultural diversity and Native peoples, who became the uncivilized.

Although variations in constructing difference and otherness in North America were conditioned by the rivalry among the European nations seeking to control North America, the rhetoric of images and cultural practices tended to perpetuate rigid racial boundaries. The initial construction of difference between the Spanish and English projects overseas was later expressed in the normalization of interracial marriage taboos, racial segregation, and the creation of reservations, all characteristic of English North America. English representations of Indigenous/English relations emphasize separate worlds, racial separation, and a non-violent, ordered business project. However, as Brown (1993:258) contends, ordered representations of the world engender moral and political orders as well. Thus, English representations of separate worlds were later expressed in terms of the exclusion and segregation of Indigenous peoples from the statecraft process in Canada.

The literature on this process reveals such exclusion and the extent to which ethnic conflicts in the state-building process became centred on the French/English divide. In fact, according to the literature, conflict regulation between French and English speakers has provided the central political and constitutional challenge for the country. Chennells, for instance, identifies three phases in the emergence of the dual pattern of legitimate political representation in Canada: "imposed statecraft," affiliative trusteeship and, "ethnic delegate representation." "Imposed statecraft" is defined as the mediation of conflict based on the idiosyncratic sympathies and strategic calculations of an elite who does not depend on local consent. "Affiliative trusteeship" refers to conflict regulation by elected elites impelled by the practical imperatives of making broad political affiliations. "Ethnic delegate representation" describes a majoritarian system in which the role of the political elite is limited to executing the preferences of their constituents, aligning these preferences according to the geographic concentration of linguistic, cultural and religious cleavages (Chennells, 2001:26). According to Chennells (2001:7), the political elite's inability to regulate conflict in the third phase led to the emergence of exclusive nationalism in Canada.

This argument, although useful to explain the dual and ambivalent character of Canadian politics since before Confederation, ignores an important element of the equation. This argumentation fails to address how politics became limited to French/English speakers, the two different backgrounds yet equal

European settlers, and how racial segregation and the political exclusion of Aboriginal peoples were formalized. This unequal representation of cultural difference in Canada has led many studies to focus only on the challenges of Quebec nationalism to the state crafting process.

After the 1763 Royal Proclamation, the initial relations between Aboriginal peoples and European settlers became those of domination and subordination. Priorities changed from trade and competition to securing land and trade. Paradoxically, the Proclamation was used to sign treaties to extinguish land titles and reduce Indigenous lands (Armitage, 1998).

The whole process of statecrafting became centred on the English/French divide while Indigenous peoples stopped being relevant to the political game. Previously recognized as politically autonomous entities able to enter into the treaty process, Indigenous peoples became a "problem." As noted previously, the treaty relations between European settlers and Aboriginal peoples had a utilitarian nature based on the competition between empires to control North America. As soon as this competition finished, the worldwide view of Britain's imperial policy towards Aboriginal peoples changed, so that from being autonomous political entities, they became people in need of assimilation (cited in Armitage, 1998:74). As Brown (1993: 661) argues, through this process, cultural difference became political deviance, and cultural representation became ideological domination. The invocation of the idea of progress, the analogy between barbarians and civilisers, turned logical distinction into moral hierarchies.

By the time of Confederation, most of the government's Indian policy had fallen into place. The federal government assumed control over Indigenous issues under section 91(24) of the Constitution Act, 1867. This process reflected the government's institutional and political bias and has been termed " the paradigm of domestication" in the treaty process (Schulte-Tenckoff, 1997,1998), a concept implying an institutional bias favouring one treaty party, in this case and in every instance the state. As well, this concept implies a political bias determining how, when and under what circumstances treaties are terminated or recognized.

Following the paradigm of domestication, one of the earliest Canadian government creations was the predecessor of the Department of Indian Affairs and Northern Development, the Department of Management of the Indians and Ordinance Lands. The reserve system was created later, and the Indian Act was passed and conceived as a code for the management of Indian affairs, that is to say, to increase the federal government's control over Indian reserves and title extinguishments. Through this legislation, racial segregation was formalized. In the process of constructing categories and difference, the colonial authority reproduced itself (Brown, 1993: 669).

The British imperial civilising role marked a new stage in Indian policy, one in which the Church would be a key actor in implementing residential schools as the hard core of this policy. In addition, a legal definition of "Indian" was established while Indian agents were put in charge of administrating all Native lands and properties. The government determined the status and rights of

Aboriginal women, especially if they were married to non-Indians or non-Indian persons. Other early provisions of the Indian Act reinforced women's subjugation. Until 1951 women were excluded from the band electorate and public meetings, Indian agents exercised considerable discretionary powers over property inheritance and usually benefited men.

First Nations peoples' resistance to the Indian Act was met with increasingly stronger amendments to the law. When government did not like Indigenous leaders, it introduced provisions to give itself the power to depose those considered 'immoral or incompetent'. When, in the view of missionaries, Indigenous traditional customs interfered with assimilation, provisions were introduced to ban them. The potlatches in BC and the Sun Dance in the prairies were banned for this reason. Through residential schools and enfranchisement, assimilation policies were oriented to extinguish Aboriginal status and rights. The Indian Act remained a strong limit to Indigenous citizenship. Voluntary or involuntary enfranchisement presupposed giving up Indian status and individual ownership of communal lands. Most federal legislation concerning Indian affairs tended to undermine Aboriginal peoples' economic, social and political capabilities.

On its path to national state building, federal statutes in 1947 created Canadian citizenship as a way to encourage and enhance the meaning of a unifying bond. Prior to this development, Canada was in the remarkable position of being a federation without citizens (Youngblood Henderson, 2002:415). Anthony Birch (1989:178) points out that this country has a lower national integration than other democratic countries. R. Kenneth Carty and W. Peter Ward (1986:77) contend that Canada's continued ambivalence has created a set of conflicts about the essence of "Canadianess" that lies at the core of the political system.

Such an ambivalent relationship and displacement were reflected in the Canadian Citizenship Act of 1947, which provided a discrete legal definition of the Canadian. Although Canadian citizenship was supposed to create bonds, it also preserved British subject status for Canadian citizens (Harles, 1998:237). In this sense, Canadian citizenship may not be robust enough to claim everybody's political allegiance. On the one hand, it did not make French Canadians feel that they belonged to the political community in their difference; on the other, the call to citizenship ignored Aboriginal peoples' heritage by subverting their collective and treaty rights. In other words, this call offered an exclusive choice between fidelity to Aboriginal rights and treaties and to the Canadian political community.

Moreover, although Indigenous peoples were encouraged to accept Canadian citizenship, they, paradoxically, did not acquire full political rights to vote at both the federal and provincial levels until the 1960s, Quebec being the last province to allow Indigenous peoples to vote in provincial elections. It has been argued that the extension of the franchise and full citizenship to Aboriginal peoples was used strategically to protect the Canadian government from any challenge coming from Indigenous peoples (Carens, 2000:187). The lack of a bridge between the Indigenous identity and Canadian belonging and between the exclusive legal status and the restrictions on Indigenous participation in the

Canadian political, economic and social life have contributed to the failure of Aboriginal peoples to fully identify themselves with Canada or to fully create what Edward Shills (1975:66) calls "allocative integration," which involves political incorporation and belonging among the members of a political community.

Transitional Contexts and the Emergence of Pan-Indianism

Racial segregation, dispossession, resettlement, the creation of markets, the construction of ethnic labour systems and metropolitan growth have been common practices in the larger story of the colonization of both Mexico and Canada. The colonial legacy attempted to eradicate not the physical sign of Indigenous peoples as human *bodies*, but their existence as *peoples* through the erasure of their histories, geographies and self-representation, which provide the foundation for Indigenous identities. For generations, Indigenous peoples have struggled to oppose and resist these policies. However, the 1970s were a landmark for the constitution of Indigenous peoples as political actors demanding recognition of their collective identity and nationhood. This type of process is associated with the re-appropriation and inversion of the colonizer's language for the purposes of liberation and assertion of nationhood. Since Indigenous identities are constructed and re-constructed at the local, global and state level, they have forged political spaces, strategies and alliances that insert new political actors into the public discourse, in an attempt to challenge existing hierarchies, exclusions and patterns of state/Aboriginal peoples relations (Jung 2003: 436).

For this reason, Indigenous identity is a condition of politics itself. Indigenous political identity is not the expression of ancient cultures or languages, but of global and local circumstances. Indigenous peoples grouped around the signifier "Indigenous" to represent groups that are culturally and linguistically different but have experienced similar processes of exclusion, colonisation and assimilation. These elements can be considered what Ernesto Laclau and Chantal Moffe (1993) termed the common "axis of equivalence", which consists of those elements that contribute, through the praxis of articulation, to fix a stable set of differences when constructing identities. As I show in this section, the processes associated with globalization and the emergence of a discourse of rights contributed to create transitional contexts for the emergence of Indigenous nationalism in both countries.

The 1970s were years of major changes in the world: the scope and pace of global integration, along with the linkages among nations, started to increase. A renewed pressure for energy and petroleum, mining and hydroelectric resources was sparking interest in Indigenous territories (Saladin d'Anglure and Morin, 1992:14). Around the world, decolonising movements created numerous small states. Liberalisation movements and struggles for the expansion of citizen's rights, such as the Black Power movement, encouraged an explosion of rights-consciousness stimulated in part by the United Nations (Cairns, 1995:148).

The United Nations and other organizations contributed to the emergence of a new discourse. For example, the Organisation of American States (OAS) and the United Nations Education Science and Culture Organisation (UNESCO) recommended that states promote the revival of Indigenous cultures in the early seventies. Also the International Labour Organization (ILO's) study of Indigenous peoples' made public the exclusion of Indigenous peoples and their status as internal colonies in most countries. The study and its impact prompted the adoption of Convention 107 (now 169) and Recommendation 104 for the protection and integration of Indigenous and Tribal populations -- the first international legal instruments to protect the rights of people whose way of life was threatened by dominating cultures.

At the same time, the process of global integration had an impact on how identities were represented in space and time, which constitute the coordinates of all systems of representations. In this sense, Anthony Giddens (1990: 14) argues that the development of global networks of communication and exchange reduced peoples' ability to control their local circumstances. For some, modern identity was breaking up as a result of structural changes that were transforming modern societies in the late 20th century. Fragmentation gave birth to cultural landscapes of class, gender, sexuality, ethnicity and so on. Nevertheless, as Hall (1996:602) points out, this argument assumes that identity was in the past unified and coherent, whereas in reality, identity is an unfinished or ongoing process where meaning is not based on a one-to-one relation, but immersed in a system of cultural representation. What changed with global integration was the shaping of time and space, which in turn has had an impact on how identities are located and represented.

In both countries, the 1970s were also years of political, social and economic changes. Governments were pushing major developmental projects within Indigenous territories, affecting the way of life of Indigenous peoples and designing policies without consulting them. A growing number of Indigenous people from different cultural backgrounds and living in urban areas started to share common experiences. In both Mexico and Canada, government policies faced the challenge of a new generation of young, educated Indigenous leaders committed to and capable of using both national and international strategies to counteract government's initiatives. The shared experience of Indigenous political protest around the world helped to create a degree of 'pan-Indianism' based on a shared experience of colonization and destructive assimilation policies. Pan-indianism can be understood as a sense of identification based on shared values and assumptions that emerge from the realization of common causes faced by Indigenous peoples and their common actions for social, economic and cultural justice.

It has been argued that this sense of pan-Indian identity was tied to this generation of leaders, who were disconnected from their traditional values, customs and traditions, but who had enough determination to celebrate Indianness (Coates, 1999:34-35). In this sense, Kobena Mercer (1990:43) contends that identity becomes an issue only when it is in crisis, and when something assumed to be stable and coherent is displaced and decentred from its place in its social and cultural world by an experience of doubt, uncertainty or threat.

Identity, from this perspective, is conceptualized as having no fixed, essential or permanent character. Identity becomes moveable because it is transformed continuously in relation to the ways in which people represent or address themselves in their respective cultural systems. Sometimes these representations are contradictory and pull in different directions because identity is not biologically but historically defined (Hall, 1987).

Globalization has affected identities by making them more political, more diverse and contradictory. Identities, according to Kevin Robins (1991) gravitate between "tradition" and "transition" and are central to the emergence of nationalism and other forms of particularisms. Tradition is aimed at restoring lost unity and certainty, while transition assumes different positions through history, politics, representation and difference.

Cultural politics, generally speaking, is a politics of difference, or more precisely, a transformation of difference into claims on the public sphere for recognition and redistribution. The differences are themselves differentiated in important ways. Indigenous struggles are based on aboriginality, tradition and roots located in a particular landscape, but Indigenous identity is not merely a social struggle for recognition and difference. It is about how difference is incarnated and lived. The very idea of Indigenous nationhood is a relation between identity and territory opposed to the territorial state perceived as coloniser and usurper (Friedman, 1999:4-5). Pan-Indianism is built on the axis of equivalence that Indigenous peoples share and that becomes the common ground on which Indigenous nationalism is built upon particular historical features.

Indigenous nationalism explores the roots of political and cultural institutions as a way to condemn what was imposed through conquest and colonization processes and continues to be reinforced by the modern states in which Indigenous peoples are located. Through this nationalist discourse, an idealized, oppressed and victimized image is portrayed in order to build a compelling argument to defend the Indigenous peoples' right to a distinctive existence. Indigenous nationalism underlines the right to put forward a social, cultural, economic and political alternative whose roots lie in ancient tradition and prior existence, which challenge those arguments employed to legitimize cultural assimilation within the border of the nations-states. Tradition, in this sense, becomes a very important resource for Indigenous peoples to shape an identity and to claim their status as nations or peoples.

In building Indigenous nationalism, Indigenous leaders have used several strategies. Taiaiake Alfred (2000) states that two of the most relevant strategies have been the assertions of a prior and coexisting sovereignty and the assertion, based on international law, of the right to self-determination for Indigenous peoples. The first strategy has been used in Canada; the second in Mexico.

In both countries, whenever the question of Indigenous sovereignty within national borders has been raised, the national states have had several reactions: (1) the adoption of the classic strategy of denial of Indigenous rights; (2) the theoretical acceptance of Indigenous rights and the claim that these have been historically extinguished; (3) the recreation of legal doctrines that change Indigenous rights from autonomous to contingent rights existing only under the frame of colonial law (Alfred 2000); and (4) the adoption of the strategy of disempowering by borders which separates culture from territory, the cornerstones of Aboriginal self-determination (Booth et al, 1997). The first strategy has been applied in both countries, while the second has been used in Canada; the third strategy has been widely used in Mexico, and the fourth has been used in both countries.

The Mexican Case

Between Peasant and Indigenous Identity

The 1970s marked the beginning of more articulated Indigenous struggles in Mexico than those that had occurred previously. This section looks at the process of Indigenous identity construction, its ambivalence and its strategic representation. Since the 1950s, the government in Mexico had been focusing on developmental strategies whose main characteristics were the building of huge hydropower projects and the expansion of extensive cattle ranching. However, the agricultural boom benefitted neither Indigenous nor peasant communities, who were force to become landless workers. The government's post-revolutionary promise of distributing lands, once taken from Indigenous communities, came to an end. Concurrently, the Indigenous National Institute (INI) was created as a result of international commitments adopted by the

Mexican government, which made imperative the creation of ad hoc institutions to deal with Indigenous peoples' needs.

The 1970s witnessed the revival of the Indigenous and peasant movements, which defended and demanded land distribution, and were met with government repression and human rights violations. At the same time, the Indigenous government policy, or "indigenism", changed radically towards an Indigenous discourse in part promoted by the government, and in part by a generation of young Indian intellectuals who were part of the structure of the *Instituto Nacional Indígena* (INI) or Indigenous National Institute and questioned assimilation policies. In analysing the multiplicity of Indian identities, Rosalva Aida Hernandez Castillo (2001) has posited that Indigenous governmental policies or indigenism have greatly influenced how Indigenous identities are constructed.

In this context, the First Indigenous Congress held in San Cristobal de las Casas, Chiapas in 1974 is an important reference to the contemporary Indigenous, independent movement history. This congress was the first collective experience of discussing Indigenous issues by Indigenous peoples, where the main concerns were land and cultural rights, such as the right to bicultural education and the recognition of traditional Indigenous medicine. As Hernandez Castillo (2001:146) observes, what scared the government more than the demands themselves was the discourse around the idea of "Indigenous rights" and its potential for a radical movement. Was this fear precisely what made the government take advantage of this process to promote similar events and the creation of corporatist Indigenous organisations that adopted the discourse of rights but by separating culture from land? In contrast, those Indigenous organisations independent from the government focused on land issues.

According to Consuelo Sánchez (1999:85), Native organizations were oriented at that time in three main directions: (1) ethnicity, (2) class, and, (3) Indigenous identity, respectively. Those organisations that strategically used ethnic attributes for mobilisation purposes began to use a name such as "*Zapotecos*" or "*Mixes*". They assumed a common history and linked culture with land and natural resources and associated cultural revival with political struggle. Those whose main interest was land emphasized class identity and a leftist conception of their struggle. This position allowed them to build wider strategic alliances with workers, students, peasants and political parties. Finally, those who emphasised Indigenous identity criticised government indigenism by holding that Indigenous peoples had the right to their own historical project, which was considered different, pure, and in opposition to the Western world. Although one of the most important merits of this perspective was its government-oriented critique, it did not go beyond formulating a cultural discourse that failed to address the territorial dimension. This trend was known as "indianist" and was criticised because of its romanticism.

Most Native organizations positioned themselves in the first and second directions, or tried at least to keep a balance between them. The third direction was adopted by Indigenous bilingual teachers and anthropologists who were educated and trained as cultural promoters according to UNESCO recommendations. The idea was that these people would be educated and then would help in promoting and maintaining Indigenous cultures within their communities. Certainly, they played an important and unexpected role in the growing political awareness of Indigenous communities regarding cultural rights. These groups were particularly skilful in using international legal instruments such as those provided by the OAS and the United Nations Education Science and Culture Organization (UNESCO) to articulate discourses of cultural rights (Marie Chantal Barre, 1982:53).

According to Rodolfo Stavenhagen (1992:434), the revival of Indigenous identity during these years was possible because of the following factors: the emergence of an educated Indigenous elite that criticized the policies implemented by the Mexican government, the traditional political parties lack of interest to represent Indigenous interests, and the information about liberation processes experienced by other peoples around the world.

From Indigenism to Political Autonomy

The landscape of the Indigenous movement in the 1980s was very diverse, contradictory at times, and comprised of different levels of articulation depending on what aspect of identity was emphasised and on the strategic value that cultural elements were given. To make the landscape even more complex, new social actors appeared to support, train and politicise Indigenous groups: non governmental organisations (NGOs) and a sector of the Catholic Church, which was very active in the 1980s. What is interesting about this landscape is

Indigenous organizations' ability to associate themselves with other social movements and to build projects beyond the local space and the discourse on human rights and Indigenous rights, which became more structured.

The 1980s witnessed the creation of many Indigenous organisations, many of which consisted of several groups addressing topics thanks to a net of solidarity provided by either the Church or NGOs. Environmentalists, women, coffee producers, honey producers, human rights promoters, indianists, educators and other groups. Important aspects of that organisational experience are that it: (1) regrouped efforts by overcoming isolation and dispersion, (2) expanded its level of mobilisation beyond the community, (3) promoted deeper and wider community participation, (4) combined everyday needs with a search for alternative solutions, and (5) promoted women's participation in specific programs (Sanchez, 1999:118).

This process suddenly became a very complex one in which many discourses circulated simultaneously. Some emphasized human rights and Indigenous rights, others underlined environmentalist concerns and the role of Indigenous peoples in protecting "Mother Earth", while others articulated a discourse on women's participation, and so on. Certainly, this organizational process faced several obstacles, such as political dispersion, but most of all, obstacles created by the government to limit and terminate this process.

Indigenous women's activism is related to solving basic survival needs. Women's involvement with other social actors such as the Catholic Church and

NGOs occurred in the process of searching for survival alternatives as a result of monetarization of the market. For Indigenous women these were contradictory processes that contributed both to diminish women's power in the household and also insert them in a wider chain of other women's experiences and the influence of a human rights discourse (Nass, 1993).

Towards the end of the 1980s, the Indigenous peoples' rights issue was already part of the agenda discussed in the multiple events organised by Indigenous organizations. The process of discussion among Indigenous and non-Indigenous organisations, both national and international, brought new light to the issue by making it more political and by linking territory to culture. The wording was important at this stage: the notion of "peoples" was very widely used. The late 1980s were also a time of deep changes in Mexico – on the one hand, an empowered civil society demanded democratic changes; on the other, a major economic crisis affected all sectors of Mexican society.

After the 1988 national election, Carlos Salinas de Gortari came fraudulently to power. This government was divided between strengthening its legitimacy and implementing neo-liberal policies to overcome the economic crises. In so doing, the government tried to reconcile both concerns by developing a new economic project that generated many contradictions. Salinas came to power by promising to modernize the countryside and to eliminate bureaucratic paternalism in order to establish a new relationship between the state and Indigenous people—a new relationship that Indigenous organizations later realized was based on the symbolic recognition of cultural Indigenous rights while transforming Indigenous land tenure. In 1991, the Mexican government adopted Covenant 169 of the ILO.

Covenant 169 is very important because with its ratification, Mexico accepted a definition of the nature of Indigenous peoples. According to this ILO document, "Indigenous peoples within independent states" are those descendants of the first populations that used to inhabit a country or a geographical region of that country before a conquest and colonization process defined the country's boundaries (Covenant 169, 1996:3). The adoption of this Covenant became a politically powerful tool for Indigenous organizations in asserting their right to self-determination according to international law.

At the same time and as part of Salina's neo-liberal agenda and the North American Free Trade Agreement (NAFTA) negotiation, social programs to fight poverty, privatization of state-owned corporations, trade liberalization, and restructuring of government budgets and agencies were implemented. The expression in the countryside of such neo-liberal policies was the modification of Constitutional Article 27. This article protected communal land tenure, known as "*ejido*," and gave a special status to communal authorities. However, the article was reformed in 1992 to place more emphasis on private ownership of land and to abolish communal tenure.

In addition to the reform of Article 27, an Agrarian Law was also approved to give "*ejidatarios*" (peasant and Indigenous shareholders) legal rights to sell, rent, use or purchase as collateral the individual plots and communal lands from ejidos. Under this law, private companies were allowed to purchase land up to 25 times the size permitted to individual shareholders. The reform also allowed new forms of association between private investors and *ejidatarios*, while a new petition for land distribution was deleted from the new law (Harvey, 1998: 187). Furthermore, even though the agrarian counter-reforms in Mexico were aimed at promoting private ownership, the government did not provide the joint parceling and titling of land for married or conjugal partners nor prioritize the claims of single female households as other Latin American countries did as part of neo-liberal agrarian reforms. Rather, the modifications to Article 27 eliminated the inheritance rights enjoyed by Indigenous women in Mexico before the reform (Deere and León, 1997; Hamilton, 2002), thus legalizing Indigenous 'traditional' practices that have prevented women from accessing land

Like Article 27, Article 4 of the Mexican Constitution was also modified to nominally recognize the pluricultural nature of the Mexican nation and the Indigenous right to self-determination. It did not, however, go beyond its nominal recognition to specify the character of such a right. From this perspective, self-government was detached from the territorial rights of the Indigenous peoples and the government's jurisdiction over their territories. In other words, the strategy of disempowering by borders was implemented.

Almost at the same time, a hemispherical mobilization against "The Fifth Centennial of the New World Discovery" was taking place. For the first time, Native organisations from all the Americas came together to hold the counter-celebration movement "Five Hundred Years of Indigenous Resistance." This event brought together diverse peoples whose axis of equivalence resulted from their shared experience of European conquest, colonisation and assimilation. The Indigenous rights issue became even more important and enriched than it had been previously.

In this context, the Zapatista Indigenous rebellion in Chiapas emerged in January 1994. Some scholars (Díaz Tello, 1994, Stephen, 2002, among others) contend that a major reason for the emergence of an armed rebellion in Chiapas was precisely the modification of Article 27 because it threatened the territorial basis of Indigenous identity. As well, the reform of Article 27 was seen as the political elite betrayal of the Mexican Revolution's ultimate objective. The wide support this movement elicited was in part due to the silent process of association with other social sectors that Indigenous organizations had built during the eighties.

As Stavenhagen (2000:82) observes, the Zapatista uprising and its aftermath illustrate the *sui generis* relationship among Indigenous peoples, social organizations and parties. In the first Declaration of the Lacandon Jungle, in which the Zapatista Army made its objective public, the Zapatista listed 11 basic grievances, including those involving democracy, land, labour and liberty. None of these can be linked exclusively to Indigenous peoples, but they exemplified the extent to which these groups also saw themselves as part of a larger political community to which they wanted to build bridges.

After the Mexican government was forced to negotiate with the Zapatista Army, a National Dialogue took place from 1994 to 1996. Government strategies during this process varied from denying the existence of Indigenous rights to confining them to the Colonial period. This national dialogue had several relevant aspects. First, defining Indigenous rights and a homogeneous meaning of "self-determination" was a complex process because of the diversity of the cultures represented under the homogeneous identity of Indigenous peoples. For some, self-determination was to be expressed through political autonomy at the municipal level; for others, self-determination had to be communitarian because it is at the community level that identity is reproduced.

Second, Indigenous participants agreed that customary law was the hard core of Indigenous identity and by the same token, of the collective right to be recognized. The trouble was that this particular element brought internal dissent and expressed identity contradictions on gender grounds. Indigenous women actively pushed for women's demands in the dialogue and did not agree with their male counterparts on customary law because of its gendered connotations.

Despite Indigenous women's demands being put on the negotiation table in the National Dialogue, they had a limited impact on the San Andrés Accords signed between the Zapatista Army and the federal government in February 1996. As stated in the accords, Indigenous peoples have the right to self-determination to apply their own normative systems in the regulations of internal conflicts, honouring individual rights, human rights, and especially the dignity and integrity of Indigenous women" (Cossío et al,1998:232). Although the San Andrés

Accords can be considered a step forward, the government had no real interest in incorporating Indigenous women's demands into this agreement. On the other hand, even though the Zapatista Army argued that women's demands had not been satisfactorily incorporated, the Zapatista still accepted the final accords, which the Mexican government and the Zapatista Army of National Liberation (EZLN) signed in February 1996. The accords were later translated into a draft bill by the Commission for Agreement and Peace (COCOPA, in Spanish) in November 1996. The Mexican government has largely ignored this bill.

In the context of the national dialogue the issue of tradition and its impact on women became central. Before the signing of the San Andrés Accords, Indigenous women widely discussed and pointed out in different fora how, with the argument of tradition, women have been excluded from their rights within their communities. Indigenous women's rights and political participation have been ignored or undermined. Also on behalf of tradition, women's property rights have been eroded (Casa Chousal, 1994; Goetze, 2003; Rojas, 1997). Because of tradition, Indigenous women are sold into marriage, forced to walk behind men, prevented from accessing land and prevented from occupying religious-civic and agrarian authority positions. Although some aspects of gender discrimination, such as the lack of access to land, were initially promoted by the national state laws, when national state laws changed tradition became the basis to continue preventing Indigenous women from holding land.

Nevertheless, the government never honoured the Sand Andrés Acords and in April 25, 2001, after the Fox government came to power, the Indigenous

Act was passed to replace the COCOPA bill and provide a different solution to the demands of Indigenous peoples. Although the law was not ratified by the governments of the three states with the largest Indigenous populations (Oaxaca, Guerrero and Chiapas), the law was passed anyway (La Jornada de Oriente, 1 de junio, 2001). This law basically separates self-government from territory. It recognizes a limited scope of communitarian self-government but denies collective territorial rights by giving Indigenous peoples only the right to be consulted whenever a development project is implemented. Again the strategy of disempowering by borders was implemented.[2]

The Zapatista uprising remains important because this movement clearly politicized Indigenous identity by putting its demands of recognition on the national political agenda and by associating this specific movement with a wider multi-sectorial claim for the deepening of democracy. What made this association possible was the Indigenous sense of belonging to the political community. Indigenous peoples consider themselves 'Mexicans', marginalized, Indigenous but still Mexicans. This perception aligns this population with other sectors of the country. The process of making Indigenous identity political has implied, on the one hand, linking cultural rights to territorial rights and, on the other, representing a unified and homogeneous identity. Moreover, this process exposed new fissures and contradictory processes in which women are central, as I will show in my case studies in the following chapters.

---

[2] See Appendix B Comparing the COCOPA Bill with the 2001 Indigenous Law.

The Canadian Case

Competing Nationalisms

The 1960s witnessed great changes in Canadian political life. The scope and pace of continental economic integration and the development of new technologies placed a renewed pressure on the search for energy and mining resources, resulting in the targeting of untapped Aboriginal territories (Saladin d'Anglure and Morin, 1992:14). The federal and provincial governments actively participated in continentilization by encouraging stake claims, surveys and occupation of the land for mineral and energy exploration and development within Aboriginal territories, which were considered geographical and social hinterlands. Most of this economic activity gave Indigenous peoples little or no benefit and increased Aboriginal resentment.

As well, Quebecer society started to experience enormous changes. The emergence of new a nationalism representing Quebec's image as modern, urban, industrial and secular replaced the relics of traditional Catholic Quebec (Cook, 1995:136). This transition from a French Canadian social identity to a Québécois national identity was reinforced by the importance given to language in the nationalist thought (Juteau, 1993; McRoberts, 1997).

As part of the nationalist movement, the provincial government started to fight over territorial integrity and to claim the North, its people and its resources. Quebec considered the Inuit as citizens subjected to provincial legislation. Thus, in asserting nationhood and territorial claims, Quebec was determined to impose

French as the dominant language in the North. At the same time, as part of the economic development of this province, the Quebec government implemented the James Bay hydropower project, assuming Aboriginal peoples were like any other citizens. Accordingly Quebec felt that it did not need to consult the Cree, Naskapi and Inuit peoples even though the project was going to be built on their territories and would change forever their traditional way of life.

However, the Inuit, Naskapi and Cree became very political in defending their territories, challenging Quebec nationalism and representing their collective identity at both international and national arenas. Similarly, the Dene of the Northwest Territories, Aboriginal peoples in the Yukon, and the peoples of the northwest coast, among others, were protesting against the negative impact of economic development on their traditional way of life by asserting their territorial sovereignty and their right to self-determination. In fact, by the 1970s, Aboriginal territorial claims had become one of the major political challenges across Canada (Raunet, 1984:161).

During the government of Pierre Elliot Trudeau, economic development within Aboriginal territories was shaped by a liberal conception of equality and individual rights (Abele et al 1999: 259). From this perspective, Indigenous poverty and marginalization were considered to be an issue of exclusion requiring a mix of development and liberal justice in order to be solved. The "Statement on Indian Policy" commonly known as the 'White Paper' was one of the cornerstones of Trudeau's Aboriginal policy and was aimed at parcelling out reserve lands on the basis of individual ownership and eliminating 'Indian status.'

This policy was based on what Alfred (2000) calls the classic strategy of denial of Indigenous rights. As a document based on this strategy, the White Paper was intended to eliminate the obstacles to the development and exploration of resources within Aboriginal regions, particularly the North. However, a strong and articulate Indigenous opposition contributed to the withdrawal of this initiative.

In most provinces, after the 1960s, Indigenous organizations emerged demanding to speak for their own peoples, denouncing racism, expressing their sense of alienation, and demanding changes. The Native movement was fragmented and focused on ethnicity, race and nationalism and, to a lesser extent, on class consciousness (Adams, 1995:89). Nevertheless, the Indian opposition to the White Paper allowed one of the most important national co-operative efforts among native people to stop this initiative. According to Harold Cardinal (1999:12), opposition to this proposal and the convergence of young charismatic chiefs helped to set up the National Indian Brotherhood with the purpose of defending the Indigenous interests and preventing the government from negotiating separately with every single group.

As J.R. Miller (1991:232) has pointed out, opposition to the White Paper caused Native groups to forget their differences and to identify the federal government as their only political adversary. Rick Pointing (1988:318) argues that the Indian leadership put forward a new strategy in defeating the White Paper. This strategy can be characterized as "multi-dimensional" because of its community revivalism, discrete diplomacy and bureaucratic alliances. Indian opposition demanded the recognition of Indian treaties and Aboriginal rights, but also control over Aboriginal life, particularly over education. The new treaties, once signed between French/English and Aboriginal peoples, proved to have unexpected political consequences for Canada.

Indigenous political mobilization was intended not only to stop the White Paper from being implemented, but also to challenge the Canadian government on many fronts by using institutions such as the Supreme Court. The Nisga'a or Calder case (named after the Nisga'a chief had brought forward the case) would reveal to Aboriginal peoples whether their collective rights possessed at the contact period had survived the general legislation that the Canadian state enacted.

This case is particularly interesting because it went from denying Native title to a theoretical acceptance of Indigenous rights. The final decision about the appeal was not unanimous. The judges' vote was divided between those who thought Aboriginal rights had been historically extinguished, and those who thought they still existed in Canada. Although the Nisga'a technically lost their bid to secure legal recognition of their Native title, the case set a precedent for those First Nations who had never signed treaties when claiming territorial rights. The Supreme Court decision on the appeal of the Calder case helped to reverse the state's Indian policy (Michael Asch, 1993:56). However, the government committed itself to only a cash-for-land approach.

This approach was used in negotiating the James Bay and Northern Quebec Agreement, which allowed the federal government not to undermine economic development while managing Quebec nationalism (Rynard, 2001:18). The agreement was highly criticized because of the federal government's practice of offering cash for territorial rights despite the powerful international and national Native lobbies. The federal strategy was aimed at avoiding conflicts with the government of Quebec in order to limit the spread of separatism.

Quebec/Aboriginal competing nationalisms were not eradicated; however, a shift from the Indian problem discourse to a discourse on Aboriginal rights started to emerge in Canada. The existing historical treaties and the Supreme Court's ambivalence about recognizing Native title based on the premise of prior existence became the hard core of an Indigenous nationalist discourse asserting prior and coexisting sovereignty.

Almost simultaneously with the Indigenous movement of the 1960s, a Native women's movement emerged challenging the Canadian state but also Native organizations. On the one hand, women opposed the 1969 White Paper as Native organizations did, on the other, women also fought for the discriminatory provisions aspects of the Indian Act. Under the Indian Act 1869, First Nations women lost their status if they married a non-Native man. However, under such legislation First Nations men could marry whoever they pleased without losing their status and rights. In addition, Aboriginal women have had lesser rights regarding wills and estate property than those enjoyed by men and non-Indian women. In fact, the issues of inheritance of property, matrimonial property and the right to live on reserve have produced more victimization for women and have been some of the first issues that women fought in the courtroom (Jamieson, 1978:72).

The development of Native women's activism gained attention in the late 1960s and 1970s because of women's ability to get organized and use state institutions to fight gender discrimination. The Lavell case and, later the Bedard case, came before the Supreme Court of Canada in 1973. The stand taken by Jeannette Lavell and other Native women who lost their status under the provisions of the Indian Act can be understood within a context of cultural revivalism and the development of minority and human rights discourses. Lavell, an Ojibwa woman who had married a non-Indian man decided to contest the deletion of her name from the band list on the basis that it contravened the Canadian Bill of Rights. Nonetheless, Lavell faced strong opposition from most Native organizations. Initially, this woman won her case at the Federal Court of Appeal in 1971, and her case was brought before the Supreme Court of Canada two years later. In this context, the Attorney General of Canada, on behalf of several Native associations such as the Indian Association of Alberta, the Indians of Quebec, the Federation of Saskatchewan Indians and the National Indian Brotherhood, opposed Lavell's claims by arguing Native peoples were, in general, against Indigenous women's aspirations (Cardinal, 1977; Manuel and Posluns, 1974).

The final decision of the Supreme Court was not favourable to Lavell and justified based on the following assumptions: 1) the Indian Act could not be overruled by the Bill of Rights; 2) the Indian Act does not discriminate against women; 3) discrimination is merely a legislative embodiment of customary social and economic patterns (Jamieson, 1978:84). Ironically, for the Supreme Court, gender discrimination was an expression of Indigenous customary practices, rather than a consequence of the how women and men were constructed differently in the Indian Act. The Supreme Court's decision and the opposition of Native organisations to recognise gender discrimination was very serious for women. They were left with no alternative of appeal but Parliament and they were politically powerless to do so. This situation left a legacy of mistrust between Native women and men and also showed the extent to which women's aspirations were perceived as a threat to the Indigenous movement.

These events influenced the creation of several Native women organizations such as Indian Rights for Indian Women (IRIW), whose purpose was to eliminate gender discrimination from the Indian Act and to fight for women's interests. After a strong process of networking, the Native Women Association of Canada (NWAC) representing Inuit, Indian and Métis women was also created in 1974. Although it has been argued that at the beginning this organisation was not focused on gender issues, but rather on reviving and promoting genuine cultural roles (Turpel, 1990:95).

Eventually, the stands taken by Aboriginal women and the entrenchment of the Canadian Charter of Rights and Freedoms in the constitution of 1982 created the context for the elimination of the discriminatory provisions of the Indian Act. In 1985, Bill C-31 came into effect to restore the rights of Aboriginal women. Nevertheless, the result was limited. Although Bill C-31 rectified past injustices against women, it has created additional problems because First Nations governments continue to determine membership. In a context where scarcity of resources is an issue, reinstated Aboriginal women, who have tried to go back home, have face community opposition, because people see them as a threat to their collective stability (Moss, 1997).

The Constitutional Conferences: Entrenching Whose Rights?

In Canada, notions of self-determination and self-government became important from the late 1960s onward. Since then, Aboriginal peoples have slowly become noticeable political actors demanding the recognition of their collective rights and asserting nationhood while the federal government has sought to reformulate its relationship with Aboriginal peoples based on a post-colonial justice framed in the context of the Canadian state. The context of the patriation of the Canadian Constitution in 1982 offered an opportunity to achieve this purpose. With the patriation of the Constitution, the Trudeau government attempted, first, to put an end to the British transnational ties to Canada and, second, to formalize muticulturalism through the Canadian Charter of Rights and Freedoms. Aboriginal peoples feared the Canadian government would use this occasion to extinguish their rights by emphasizing individual rights. At the same time, Quebec's claim to be recognized as a founding nation provided Aboriginal peoples with the momentum and the political context to re-construct Indigenous identity. Just as Quebec claimed to be a founding nation, Indigenous peoples claimed a prior sovereign existence that allowed them to enter into treaty negotiations with the British Crown. If Quebec could represent itself as a founding nation, Indigenous peoples could ensure they were recognized as "First nations." Aboriginal leaders lobbied the House of Lords in the United Kingdom to make sure their treaty rights and name would be protected under the Constitution Act of 1982 and that the Charter of Rights and Freedoms would not erode or ignore those collective rights. As a result of this new mobilization, the federal government replied by enshrining the rights and treaties of Aboriginal peoples under Section 35 of the Constitution Act 1982 (Abele et al, 1999:260). The notion of 'Aboriginal peoples of Canada' includes the Inuit, First Nations and the Métis and legalizes their difference. Section 25 calls on the judiciary to interpret the rights and freedoms granted by the Charter in a manner that does abrogate from Aboriginal treaty rights or other Aboriginal rights. In addition, Section 37 formulates provisions for Aboriginal peoples to participate in future constitutional conferences after the patriation.

However, as Alfred and Cornstassel (2005: 598) have argued, the Canadian government's label of 'Aboriginal' is purely a state construction instrumental in the state's attempt to gradually subsume Indigenous existences into its own constitutional system and body politics. According to these authors, the state construction of the 'Aboriginal' identity must be understood as the politico-economic context in which Indigenous peoples are forced by the compelling needs of physical survival to cooperate with the state.

Although treaty and existing rights are constitutionally recognized, such rights are not clearly defined and their contents are either negotiated with the governments or defined by the courts. As Patrick Macklem (2001:195) observes, the Charter enables litigants to constitutionally interrogate the rich complexity of Aboriginal societies according to a rigid framework of individual rights and state obligation. In addition, Aboriginal rights as they are entrenched in the Constitution could be interpreted as rights granted to Aboriginal peoples by the liberal state (Turner, 2000:135). In this sense, Aboriginal political sovereignty, as demanded by Aboriginal leaders, does not have to be met. Some scholars have argued that the recognition of Aboriginal nationhood and sovereignty has been affected by Quebec's nationalist aspirations. For instance, C.E.S. Franks (2000:109) has observed that by analogy, the federal government's recognition of Aboriginal peoples as 'sovereign nations' may be used by Québécois sovereignists to justify an equivalent recognition for Quebec.

Even though Quebec did not ratify the patriation Aboriginal rights were constitutionally recognized, provoking grievances in the province and a strong need to accommodate Quebec's distinctiveness. The Meech Lake Accord had precisely that intention, but competing nationalisms would not allow it to be achieved. When the accord was ready to be passed by the provinces, Elijah Harper, a Cree member of the Manitoba Legislative Assembly denied the unanimous consent required for approval, arguing that the government had failed to meet its obligations to include Aboriginal peoples in the constitutional negotiations.

In this context, the claim for self-determination and sovereignty became highly politicized for both Aboriginal peoples and Quebec. Tension between these two parties rose again in 1990 with the Oka-Kanasetake crisis, which showed how far unsolved conflicts over Native title could go. This conflict started when the Working Group on Indigenous Peoples from the United Nations (UN) was in session. Taking advantage of this situation, the Mohawks asked for a resolution to their specific case in the UN. Canada's reaction, in fact, was to reject the ratification of the ILO 169 Convenant (Barsh Rusell, 1992:122).

The next round of "mega constitutional politics," to use Rusell's terminology, was the Charlottetown Accord. During the negotiations surrounding this process, greater efforts were undertaken to include Aboriginal peoples. As Mary Ellen Turpel (1993:121) has argued, the participation of Aboriginal representatives in the discussion on constitutional reform was a precedent for contemporary struggles. According to this author, four main points were discussed regarding Aboriginal issues: inherent rights to self-government, treaty rights, recognition of the status and rights of Aboriginal peoples, and Aboriginal consent to amending formula changes.

Regarding the first point, discussion focused on a need to recognize the right to self-government as an inherent right, that is to say, a pre-existing right not granted by the Constitution. The second point related to the need to interpret treaties by closely respecting their provision; doing so would be a bilateral process with provincial involvement only when both the federal government and the Aboriginal groups invited it. The third point referred to the Canada Clause, which included a recognition of "Aboriginal people as the first peoples to govern this land." Endowed with the right to promote their languages, cultures and traditions and in order to ensure the integrity of Aboriginal societies, their governments would constitute a third level of government.

Nevertheless, the Charlottetown Accord was not only about Aboriginal peoples but about a multi-national vision of Canada, since Quebec's aspiration as a distinct society with a greater presence in central institutions and national affairs was also incorporated into the accord. However, at the end of the day the whole package failed for several reasons. First and most important, the accord was a highly complex document. Although it included important issues related to the symbolic nature of the Canadian political community, the accord failed to satisfy the constitutional demands of many regional and provincial political communities. In addition, it failed to meet the requirements of a constitutional amendment requiring unanimous agreement (Wesmacott, 1998: 109).

Second, the accord failed because of the competing relationship between Quebec and Aboriginal peoples. The accord failed to satisfy Quebec historic demand for a radically decentralized federal state. In contrast to the more generous response to Aboriginal peoples, the degree of decentralization proposed for Quebec was seemed as unacceptable by most Quebecers.

Third, from an Aboriginal perspective, problems of representation played an important role in the defeat. The exclusion of women's organizations, such as the Native Women's Association of Canada, in the negotiation process expressed the contradictory dimensions of identity and women's political strategies, which challenged the legitimacy of Native organizations' representation and the government's endorsement of women's exclusion. Moreover, the defeat reflected the competing visions of 'Indigenousness'. For some communities, negotiating a third order of Aboriginal government within the framework of a Canadian liberal mindset meant giving up the preexistent Indigenous sovereignty. For Native women, negotiation of self-government without women's voices meant the institutionalization of a coopeted male leadership.

As Alfred and Cornstassel (2005) observe colonial legacies, and contemporary practices of disconnection, dependency and dispossession have limited Indigenous identities to state-sanctioned legal and political definitional approaches that are not necessarily equally accepted by Indigenous peoples. Since the failure to ratify the Charlottetown Accord, the Canadian government has focused on making treaties with individual First Nations based on developing and reforming First Nations governance, rather than on comprehensive constitutional reform.

Conclusions

This chapter has explored the similarities and differences between Mexico and Canada's relationship with Indigenous peoples. I showed that the impact of global and national transitional contexts in both Canada and Mexico was associated with the emergence of Indigenous nationalism. Nevertheless, the specific expression of such nationalism in these countries has been the result of the complex ways in which national communities were constructed, the ties developed among the different social groups, and Indigenous identity constructed and reconstructed.

I have showed how historical and legal differences in both Mexico and Canada determined the particularities of Indigenous nationalisms. Moreover, since Indigenous identities are constructed and re-constructed at different levels that go beyond the national state, such construction is associated with globalization and the dissemination of a discourse of rights.

In both countries, Indigenous nationalist movements emerged in transitional contexts when political, economic and social conditions at both the international and national levels created the political conditions for the emergence of pan-Indianism. From this perspective, Indigenous peoples grouped around the concept of "Indigenous" to represent groups that were culturally and linguistically diverse but had common experiences or axes of equivalence.

Although Indigenous nationalism represents Indigenous cultures as ancient, traditional and prior to the constitutions of modern states, this discourse has been impacted by the process of global interaction. Identity representation, from this perspective, is an ongoing process where meaning is not based on one-to-one relation, but immersed in a system of cultural representation.

Chapter III Gender and tradition in the making of Nunavut

Introduction

As argued in Chapter I, Aboriginal nationalism essentializes tradition and culture as symbolic border guards in the construction of national identity. Thus, gender roles and cultural practices, symbols, and behaviours become central to the maintenance of tradition, the reproduction of national identities and the distribution of the nation's wealth.

This chapter explores the process of constructing Inuit nationalism in Nunavut, Canada since the 1970s. I argue that the construction of Nunavummiut identity is nationalist in nature, and as such, it is a political process linked to Nunavut's interconnectedness with the external world and translated into the familiar language of nationalism, in which gender and tradition are strongly implicated. The construction of Inuit nationalism is an ongoing process involving power relations, gender roles and contested visions of the Inuit culture and tradition. In the context of the institutionlisation of Inuit politics and deep socio-economic changes, tradition and culture remain a space of struggle in which constructing the vision of the nation and distributing its material content is a gendered exercise. In the following sections, this chapter discusses the emergence of Inuit political identity, its articulation into a nationalist movement, and finally, its contemporary political characteristics and expressions.

In April 1, 1999, the eastern Arctic, the equivalent to a one-fifth of Canada's landmass, became the new territory of Nunavut,[1] in which 85% of the population is Inuit. Although Inuit constitute the majority of the population, the government of Nunavut is a public government in which Inuit and non-Inuit participate and are equally represented, as I will explain later. However, the fundamental idea behind the Nunavut land claims was that the territorial institutions, state structures, and political process should reflect the nature of Inuit society (Hicks and White, 1999). As some authors have argued, institutions and governance structures are a crucial component of a national government and the nation-building process (Breuilly, 1996; and Smith, 1999). However, as we will see, a conflict exists between what Nunavummiut[2] aspired to and imagined and what they have achieved so far.

Another important element in the nation-building process is delineating membership. This task is one of the first that nations face and is also one through which they control the behaviour of their members. As nations are imagined to be an extended family occupying a specific homeland, gender roles and tradition become boundary makers of the nation and homeland. Women, on the one hand, are considered to be guardians of culture, keepers of the home and the symbolic representation of the nation. Tradition, on the other hand, is the cement that holds culture and home together and provides them with specific attributes. Nonetheless, the home is also a place of power relations, so that the nation, as an extension of the home, becomes the sphere in which such power relations between members and between men and women are articulated and contested. Moreover, the gendered nature of the nation and the home are also expressed and maintained through hierarchies of power and gender within national institutions and governance structures.

---

[1] "Our land" in Inuktitut. See map of Nunavut.

[2] In Inuktitut, the afix *miut* in combination with a place or name means "people of a determined area". Thus, "Nunavummiut" means "people of Nunavut."

The centrality of gender and tradition in the nationalist process of creating national institutions in Nunavut was articulated very clearly during the gender-parity referendum. In May 26, 1997, the inhabitants of Nunavut voted on a proposal that would have guaranteed gender parity within the Nunavut Legislative Assembly. This proposal would have created a system in which two representatives (one woman, one man) would be chosen from each district. However, the proposal was rejected by 57% of the voters (only 39% of the eligible voters went to the polls) (Bourgeois, 1997l; Hicks and White; 1999; Laghi, 1997). The proposal, radical and unique in the world, was nonetheless, framed with discourses about tradition and culture. Therefore, the public debate that developed previous to the vote questioned and contested not only the relationship between men and women, but also the place of tradition in the modern Inuit society. The process that led to the gender-parity vote, as a central aspect of identity and national-institution formation, was deeply imbedded in discourses about gender, nation, unity and tradition, as I will explain in the last section of this chapter.

The emergence of Inuit nationalism

Indigenous peoples' nationalist aspiration to be recognized as a nation within the national political community is problematic for a territorially-based sovereign state. As nationalists, Indigenous peoples claim both power and territory as fundamental collective rights. Yuval Davis (2000:76) contends that if Indigenous peoples' claim to territory were taken seriously, this claim would totally conflict with settlers' claim of national identity. As a result of this conflict, Indigenous aspirations are usually framed as an issue of minority rights protection rather than as an issue of national rights.

Nonetheless, Aboriginal peoples, unlike other minorities, have continued to assert their status as "prior nations," or the nations that existed before the modern national states, with historical rights over their homelands and self-governance (Brantenberg and Minde, 1993:5). The language of nationalism, as a language of power and assertion of nationhood, entitles a group an authoritative vocabulary of identity and attachment to a territory. As a nationalism of "prior nations," Aboriginal nationalism explores the roots of Aboriginal peoples' political and cultural institutions as a way to condemn the conquest or colonization processes imposed upon them, processes that continue to be reinforced by the modern states in which these people live.

The creation of Nunavut and its critical social, political and economic challenges must be understood in terms of Inuit society's evolution in the context of colonial domination by southern Canadian economic and political interests

(Hicks and White, 2000: 45). The history of cultural contact between Inuit and Europeans in Canada is complex, since the most significant period of such contact in the Canadian Arctic is difficult to identify. Most authors (Mitchell, 1996; Poelzer, 1995, among others) suggest that the most significant contact occurred during the twentieth century, with the expansion of Canadian institutions into the region. This period corresponds with the construction and political use of an Inuit national identity.

Until 1895, Canada's interest in the Artic was associated mainly with the extraction of resources and the assertion of sovereignty over a remote region, rather than with the welfare or assimilation of those who were living there. In 1895, the region was divided into four areas: Ungava, Yukon, Mackenzie and Franklin. This division represented the beginning of the establishment of Canadian administration within this region; however, until 1930, the Canadian government was not sure about who the people of the north were or what should be done with them. "Eskimos," as the Inuit were called, did not have any recognized citizenship status, nor had the government assumed any responsibility towards them. According to Charles Steward, the Minister of the Interior, Mines and Indian Affairs at the time, Inuit were not "Indians as we know Indians with chiefs and councils and all the paraphernalia, which has been set up by the Indians for the management of their own affairs. These people [Inuit] congregate in small family groups; no doubt they have leaders but in discussing matters of importance apparently they will speak each for himself" (in Duffy, 1988: 10).

Prior to the Inuit's contact with Europeans and Euro-Canadian institutions, the basis of Inuit identity was the extended family unit, and people were identified with the specific places in which they lived. Thus, the division into the early administrative districts helped to create new expressions of Inuit identity (Wilson, 2002: 23).

To trace the process of identity formation among the Inuit, Mitchell (1996: 134) has studied the administrative capitalist structures in the Arctic. This author argues that the beginning of Inuit nationalism was related to the emergence of the Eskimo Arctic Cooperative movement. The development of local producer co-operatives using traditional skills and products was useful to the Inuit for starting their political organizations, which were directed towards the construction of a pan-Inuit identity and to the creation of new patterns of cultural interaction. In fact, Mitchell (1996: 134) argues that economic relationships contributed to the creation of Inuit identity. The Inuit had not thought of themselves as a unified population; rather, outsiders treated "Eskimos" as a different kind of people. Moreover, the accelerated process of sedentarization of a former nomadic people produced more frequent interaction among Inuit from different clans or kinship groups than had occurred previously. The nomadic Inuit people were simultaneously 'pulled' to the settlements by the services the government offered there and 'pushed' off the land by the drastic reduction in livestocks and low fur prices. The sedentarization process, in turn, helped to reorganize and reinvent the patterns of social interactions among the Inuit (Honigman and Honigman, 1965). Thus, they slowly began to perceive themselves as a collectivity, a people sharing more similarities among themselves than with others.

The emergence of a pan-Arctic identity that transcended the local camp and community started in the context of the Arctic cooperatives conference organized in 1963 in Frobisher Bay, now Iqaluit. This process coincided with two other factors. First, the increasing interest of companies in the Arctic's resources resulted in intensive exploration causing severe impacts on the environment and habitat upon which the Inuit depended. Second, the Inuit were experiencing rapid changes in their traditional form of life as a result of sedentarization. During the 1970s, the Inuit established several cultural associations such as the Inuit Cultural Institute, created to publish legends and the traditional knowledge from the elders (Mitchell, 1996). The critical political factor, however, was the creation of the Inuit Tapirisat of Canada (ITC) in 1971, which would negotiate the Nunavut land claims agreement. As a female Inuit leader observed: "In the seventies we heard a lot about other Indian organizations and we said to ourselves, if those guys can have their own organization, why we Inuit could not have ours?" (Interviewed in Iqaluit, August 2003).

The creation of the ITC was extremely important because it helped to end the crisis in leadership the Inuit were facing and to politicize Inuit identity by using new concepts such as "land claim" and "rights." The erosion of the nomadic traditional way of life as a result of the creation of settlements had a negative impact on Inuit traditional leadership (Duffy, 1988: 222-23). In an interview, one of the Inuit leaders pointed out,

> Our generation was very much different from the previous one. The leadership of our people before us, they were gentle people, very polite people and in many ways, very timid and our generation started to change that. We were not timid, we were a generation that started to say that things had to change, that things could not stay the same and that we were prepared to stand up for our rights. (Interviewed in Nunavut, August 2003)

As John Amagoalik (2002: 197) noted, Inuit elders had difficulty understanding the need to "claim" the homeland. Land ownership was a new concept for the Inuit. The young generation of Inuit leaders had, however, a new attitude and new knowledge as a result of the complex changes happening worldwide in the 1960s. Human rights and environmental movements were taking place, demanding civil rights and protection for the environment, now understood as a "habitat." Inuit leaders started to hear about "Aboriginal rights" and "land claims" and to realize that these were also major issues in other Canadian regions and in countries such as the United States. In addition, major legal decisions were helping to legitimize Aboriginal claims. In 1973, the Supreme Court of British Columbia, in a majority decision involving the Calder Case, recognized that Aboriginal rights still existed in Canada. Also in this year, the Quebec government launched a mega hydroelectric project in James Bay, forcing the Inuit and Cree to go to court to stop the project until a decision on their land claim was reached.

Thus, the ITC was a creature of this new young, national and politicized leadership which, paradoxically, was a product of the assimilation policies implemented by the government through the creation of residential schools such as the Churchill Vocational School (Castro Rea, 2003: 52). As an Inuit leader explained,

> A lot of today's leaders went to school in Churchill. It was important because before the years on Churchill, we were very much isolated from each other, and our homeland covers more, almost a sixth of Canada, but we were a very small population spread all over the country. In those days we were very isolated, we did not know about each other. Churchill was a gathering place for different young people from different regions. I think that is where the Inuit political movement started. We started to see how things were in other parts of our homeland and also we started learning about the outside world, what southern Canadians were like, we developed long-life friendships. (Interviewed in Iqaluit, August 2003)

Similarly, Rosemary Kupatan, one of the female leaders within the land negotiation movement, noted that this generation of leaders also created a sense of solidarity through their educational experience and their political exposure, which both contributed to the creation of a collective vision (Devine, 1992). This vision played an important role in the process of selecting national symbols and in constructing a national identity. As female interviewee A commented:

> During that time we also adopted the word 'Inuit' because the word Eskimo is not our word, it is a Cree word describing us Inuit as eaters of raw meat. Inuit is our word meaning 'the people'... I remember at that meeting [the meeting for the constitution of ITC] we were told by our government by our current Prime Minister Jean Chretién, he was the Minister of Indian and Northern Affairs at that time, and who came to greet us and talked to us. He said if you change the word Eskimo to Inuit, nobody will know you. In my own mind I said, just wait. Same thing with the word Nunavut in our meeting in 1975. (Interviewed in Iqaluit, August 2003).

The naming process was very important in the construction of Inuit nationalism, for this process involved recovering the Inuit identity taken away by government bureaucrats, who could not understand and keep track of complex Inuit names. Inuit naming systems were displaced by "Eskimo numbers," or "E numbers," printed on a disc that all Inuit had to use when dealing with government institutions and agents instead of her or his name. Many Inuit today remember their E numbers by heart but insist on using Inuit names.

Thus, the processes of naming and reviving Inuit culture became very political. While most Inuit in northern communities lived and practiced their culture and tradition more or less subconsciously, the political leaders of the seventies represented some of the cultural traditions as Inuit national symbols. As I argued in Chapter I, Aboriginal nationalism constructs and reconstructs tradition as the foundation of Aboriginal identity and culture, and works to establish a group status as a differentiated political entity that can claim specific rights vis à vis other peoples. Tradition, thus, is a political resource that shapes identity, power relations and gender roles within a nation. As a political resource, the politics of tradition includes the strategic essentialization of tradition to advance political claims and to create a "we." Spivak (1990: 109) coined the concept of strategic essentialism, which refers to the formation of temporary solidarity and acceptance of an essentialist position for political purposes. However, such essentialism can go as far as being used to subordinate and discriminate against those members who do not conform the ideal of the "we."

In Nunavut, the notion of the ancestral occupancy of the Arctic and of territorial rights slowly became the center of the struggle for self-government and the creation of a new territory. Inuit leaders represented the Inuit as a "people" rather than a "nation"; nonetheless, the political implications of Inuit peoplehood are founded on a nationalist discourse. In this context, national symbols were created, a collective identity was constructed, and the naming process was articulated under the power of the nationalist language to assert self-government and to provide proof of aboriginality in a particular homeland. Beginning in the late 1970s, the ITC became very clever in its use of the media, particularly radio, in extending and sharing a nationalist sentiment and national narrative (Walsh, 1992).

As Jose Kusugaq's (2000:20) statement shows, under the language of nationalism, Inuit tradition and culture were linked to the land and the environment:

> Inuit have been, and the Inuit remain, the Aboriginal people of Nunavut. We have lived in the Arctic for thousands of years. The Arctic has sustained and defined us. We are part of the Arctic landscape, seascape, and the Arctic landscape and seascape are part of us.

Similarly, Rosemarie Kuptana argues that the sense of Inuit nationalism is based on a collective identity that includes the whole Circumpolar world of language, values, tradition and kinship (in Mitchell, 1996:431).

The idea of "homeland" and the assertion of an inalienable right to authority over it allow for the construction of a nationalist sentiment. According to Jan Penrose (2002: 278-79), homeland as space has two sources of latent power for human beings. First, through its existence as land, water, landscape and atmosphere, it comprises the basic elements for human survival and, thus, for a relationship between human life and space. Second, it becomes a source of emotional power when substantive qualities of a space (for example, the landscape and its physical features) are filtered through human experiences.

These condensed elements of survival and attachment are precisely what distinguish the idea of the "north' and of "frontier." As Kasam (2001) observes, the "north" is a mental abstraction, a consciousness of location based on the interplay of geography and culture. In other words, it is a vision of someone's place and source of identity. The notion of "frontier," in contrast, has southern roots and is motivated by the desire to exploit natural resources.

After several meetings, in 1976 the ITC finally submitted a proposal to the government of Canada, suggesting the division of the Northwest Territories into two territories. This action meant a transformation of the incipient Inuit nationalism into a more formalized movement requiring further steps such as defining membership. The establishment of criteria of eligibility led to a situation where the Inuit had to carry identification cards certifying their Inuitness (Mitchell, 1996:342). This incipient expression of institutionalisation contributed to and reinforced the idea of national identity among dispersed Inuit communities and encouraged a shared sense of attachment to a particular homeland.

Although the process of institutionalisation of Inuit nationalism started in the mid 1970s and successfully provided a foundational level of Inuit identity, this nationalist movement is an ongoing process and remains contested, especially with regards to the meaning and visions of a 'nation'. In fact, the successful conclusion of the land claims agreement intensified the conflicts related to the expression of Inuit national identity and its symbols. Many Inuit feel that much of the call for self-government is rooted in foreign institutions and values that challenge and subvert Inuit identity and traditions. Tradition and culture are fluid and contingent categories providing a stable foundation for the production and articulation of contemporary Inuit identity. Nonetheless, these categories are interpreted differently in different contexts (Dorais, 1997; Searles, 1998;).

National narratives are created to distinguish, unify, and differentiate a people before the "other." In most official documents and websites, the Inuit are represented as a unique and distinct people who speak one language, whose traditions have been passed down generation after generation, and who have always governed themselves. As part of their national narrative, the Inuit have also created their own national heroes. The Inuit generally shared the belief that a past generation suffered for their sakes, spending long periods of time away from home and family, negotiating an agreement for future generations.

However, tradition, as a stable foundation for the production and articulation of Inuit identity, is located within a wide spectrum of power relations where tradition is reconstructed, reified, contested, negotiated, and subverted. Despite the effort to represent distinctiveness, unity, and uniqueness, several contested elements in this representation express the political nature of all nationalist constructs.

First, standardizing the different dialects and orthographies used in the north is difficult. Kusugaq explained: "When we have these Circumpolar meetings we need like six different translators for one language. I think we soon will have to consider developing a Queen's Inuktitut-- one dialect for the working language" (in Mitchell, 1996: 419). Until such a dialect is developed, the debate over orthography and language remains focused on adopting the Roman orthography, which is the syllabic one used in Nunavut (Wilson, 2002: 25).

Second, the Inuit's different perceptions of the contents of tradition have resulted in one of the most contested issues in Nunavut. When the Inuit define 'tradition', they usually do so by arguing that it is a set of beliefs and values. However, the Inuit cannot agree about what specific values and beliefs are included within tradition. As female interviewee B observed,

> Tradition has a manipulative aspect. What is considered 'tradition' are those aspects related to environment, hunting, bird migration pattern. That is to say basically what men do (Interviewed in Iqaluit, August 2003).

The Inuit political movement adopted and internalised the rhetoric of nationalism, particularly regarding the discourses about land, tradition, and institution-building. Since this process is political, it involves power relations. Thus, the process of constructing and reconstructing a national identity is also a process of defining the members' behaviour, establishing boundaries, and exercising control. In this latter element, gender roles and tradition are highly implicated. In the next sections, I discuss how tradition interrelates with all aspects of Inuit political life.

Nunavut: Imagining national institutions

The idea of 'homeland' was central to the struggle for self-determination and land rights and was the driving force in the process that concluded with the creation of Nunavut. In 1993, *the Agreement between Inuit of the Nunavut Settlement Area and Her Majesty in Right of Canada* was signed and resulted in the division of the Northwest Territories and the creation of a new territory. The national context of the 1990s favoured the successful creation of the Nunavut territory and government. Canada's Conservative government "...was badly in need of a 'good news' story about its relationship with aboriginal peoples" (Hicks and White, 2000:55). Moreover, the agreement was carefully designed to be adapted within Canada's structure of government and political traditions, which would be accepted by most Canadians.

This agreement includes 40 articles defining the powers and jurisdictions relating to membership, development, fauna, environmental policies, institutions and self-government, among others, that were granted to the Inuit. Article 4, the shortest and most important article of this agreement, states the creation of a new territory called Nunavut, its Legislative Assembly, and the public nature of its government representing both Inuit and non-Inuit.[3] The capital of this territory is Iqaluit, and its government is composed of an Executive Council elected by consensus among the members of the Council through a direct vote.

---

[3] The term "public" government refers to a non-ethnic model of government.

The Nunavut Land Claims Agreement (NLCA) was the first modern treaty entrenched under Section 35 of the Constitution Act 1982 and has four basic objectives: (1) to provide certainty and clarity of rights to ownership and use of lands and resources, and of the Inuit's rights to participate in decision-making concerning the use, management and conservation of land, water and resources, including offshore; (2) to provide the Inuit with wildlife harvesting rights and the right to participate in decision-making concerning wildlife harvesting; (3) to provide the Inuit with financial compensation and means to participate in economic opportunities; and (4) to encourage the Inuit's self-reliance and social well-being.

The NLCA required the Inuit to surrender any land claims and title rights held anywhere else in Canada, including the Nunavut settlement area, and in exchange, the agreement set out constitutionally protected rights and benefits to (1) collective title to approximately 350,000 squares kilometers of land, 10% of which include surface mineral rights; (2) priority rights to harvest wildlife for domestic, sports and commercial purposes; (3) establishment of co-management boards to oversee wildlife and harvesting management as well as economic opportunities; (4) capital transfer payments of $1.148 billion to be paid over a 14 year period and to be administered by the Nunavut Tunkavik Incorporated (NTI), the Inuit organization responsible for overseeing the claim; (5) a series of commitments to increase Inuit employment in the government, to give preference to Inuit-owned business in government contracting, to give Inuit a share of royalties for non-renewable resources, a $13 million fund, and the creation of three Nunavut parks; and (6) the commitment to create Nunavut[4] (Nunavut Land Claims, 1993).

Nunavut came into existence in April 1st, 1999. This territory symbolizes the cultural and political aspirations of the Inuit, the people of the Canadian Arctic, to regain control of their lives. Around 85% of Nunavut's population is Inuit while roughly 15% is non-Inuit. This ethnic constitution resulted in the adopting of a public model of government in which all residents are allowed to participate and are represented. However, Nunavut's public territorial government has been rhetorically presented as being concerned primarily with Inuit needs and approaches to governance. Accordingly, the political dynamics and government operations raise the issue of how the state structures and political processes can reflect the nature of the society and economy. As I will discuss later, this issue is currently among the most contested issues among the Inuit.

Although Nunavut was designed primarily to accommodate Inuit aspirations for self-government, the resulting model of government fits within the framework of Canadian governance tradition and institutions. Amagoalik (2002: 202) has argued that Inuit leaders had three main reasons for choosing a public government: first, they knew a public government would have a wider jurisdiction and a bigger budget than a traditional or ethnic model of government; second, they also knew that the reserve system for First Nations was not working well; third, Inuit leaders did not want to alienate non-Inuit residents, who made up about 15% of the population. As Amagoalik explains, this public form of government corresponds to Nunavut's ethnic composition.

---

[4] For a review of the implications of the claim, see Hicks and White, 2000.

Nunavut is about 2.1 million square kilometers, encompasses 23% of Canada's land mass, and is located north of the sixtieth parallel, above the tree-line. Although the NLCA increased the Inuit's control over their lives, it also limited that control because the Inuit agreed to surrender important Aboriginal rights in exchange for the creation of a homeland (Hicks and White, 2000: 33). As a result, Nunavut did not include all the traditional lands used by the Inuit; however, hunting, fishing and other activities are cultural institutions crucial to this people's identity. Nunavut has a "mixed economy," which can be understood as a household economy that combines land-based or kind income from food and materials obtained from traditional activities such as hunting, fishing, trapping and craft-making or carving, with cash income from part-time or full-time wage-paying work. Hicks and White (2000) argue that Nunavut's current mixed economy is a culturally appropriated adaptation to dynamic but uneven economic opportunities. Thus, Nunavut's economy depends largely on the government, for over half of the jobs are in the public sector and services provided directly or indirectly by the government. Nonetheless, not all these jobs are given to Inuit.

On the long road to the creation of Nunavut, one of the first tasks was the imagining of the government. As John Amagoalik explains,

> In those early days, we did not have a clear vision of what we liked. We knew we wanted a new government, but we could not describe it in detail. We knew we have a territorial government, which is less than a province and we decided that was the level

> we would start at, but we did not have a clear vision of what Nunavut would be. That vision became clearer over the years. Does Nunavut fit that vision? No, not at the moment. (Interviewed in Iqaluit, August 2003).

Envisioning Nunavut proved to be a contested process. To help the imagining the process, the Nunavut Act established a Nunavut Implementation Commission, which was composed of nine commissioners and a chief commissioner. Of the original ten commissioners, nine were Inuit, eight were men, and the Chief Commissioner was John Amagoalik, also considered the founding father. The mandate of this commission was to advise on the political and administrative design of the government. The Commission recommended the creation of a public government with a democratic elected Legislative Assembly, which would respect individual and collective rights, as stated in the Charter of Rights and Freedom, and which would promote and represent Inuit culture. The Commission recommended a consensus model for Nunavut, which is different from the party system in federal and provincial elections. This model has no party system, and after an election, the MLAs have the right to elect the premier, cabinet and speaker from among themselves. In addition, the commission recommended that the government of Nunavut should respect Canada's governing traditions and institutions and be a territory firmly bound to the Canadian confederation. Initially, some observed that the new territory should gradually assume its full range of responsibilities. Nonetheless, in April 1999, the government of Nunavut assumed all powers over its territory, but since Nunavut's structure and human resources were not yet ready to deliver some services such as health care, teacher certification, and students' records, among others, the Northwest Territories continued to do so.

The Commission recommended that the government of Nunavut should be leaner and more efficient than the government of the Northwest Territories. However, in many ways, Nunavut produced a copy of the latter, perhaps because most of Nunavut's government staff as well as most politicians had been trained under the government of the Northwest Territories. A former MLA commented:

> There was not nothing wrong with Nunavut adopting structures and politics from the Northwest Territories, because at the time we thought there was still a lot of room the government could do to make it culturally relevant to the people. But nothing is happening because most of the staff the government has is from the south, I think they are not trained to be cultural oriented so they can understand our culture and southern culture. (Interviewed in Iqaluit, July 2003).

This comment suggests that despite the efforts to avoid reproducing the Northwest Territories' government mistakes, Nunavut has not been better.

Another issue for the Commission was the decentralization of the government of Nunavut. For some, decentralization would allow small communities to benefit from the jobs created. Others believed that setting middle-management positions in the small communities would encourage the Inuit to participate in the bureaucracy. For others, decentralization was better suited to traditional Inuit political culture. However, decentralization has also had problems. It has not been completely achievable due in part to the high cost of establishing and operating a government across a fifth of Canada's land mass. In addition, the government of Nunavut has not met its quota of Inuit employees since many Inuit are under-qualified for positions in government.

In fact, this problem has generated a sense of alienation among Inuit people, because the government of Nunavut is supposed to serve the Inuit's interests and protect their culture and language and the government staff is supposed to represent the Inuit majority and to use Inuktitut as the working language. However, these requirements have not been satisfied. As interviewee F noted,

> Southerners come to work to Nunavut because it is better paid and because they can write that in their resume, but after two years they leave. They are not committed to integrate, or try to understand our culture or what is happening here. Regarding our language? We should be speaking our language, but what do you see? It is not happening. (Interviewed in Iqaluit in July 2003)

Creery (1993:25) has argued that the federal government's reorganization of Inuit life in the 1950s and 1960s left its imprint on this people. This reorganization was based on the rejection of Inuit's traditional economic activities and on the integration of the Inuit into the North American wage economy. However, when the jobs were open to the Inuit, they usually involve unskilled, low-paying and part-time work. Unemployment and underemployment became endemic problems, which, combined with a process of alienation from the land and traditional culture, have generated social problems such as alcohol and substance abuse, low self-esteem, family violence, youth suicide, and welfare dependency. These trends continue today to affect this population.

Nunavut's mandate to serve Inuit interests and culture has been one of the government's most complex tasks. The amalgamation of Canadian political institutions and traditions with Inuit culture through the incorporation of Inuit Quajimajatuqangit, or traditional knowledge, has been difficult. In part, the difficulty is in defining Inuit Quajimajatuqangit (IQ). To Inuit people, IQ was part of the vision statement developed in the process of imagining Nunavut and its government. Although Inuit leaders had advised the creation of a government that could be recognized as "a Canadian creature," then it had to "Nunatized" to represent Inuit culture, language and tradition. In order to accomplish such a task, the Inuit elders were supposed to play an important advisory role in the Legislative Assembly, so the leaders could act according to what is important in Inuit culture. From this perspective, the use of Inuktitut as the government's working language was crucial in representing Inuit culture. However, Inuktitut is not being used nor have Inuit elders been able to contribute to the government, for usually the seats reserved for elders are empty. For some people, the government of Nunavut is too southern in its design and purposes to allow for the incorporation of Inuit tradition; for others, Nunavut's politicians are not doing what they should be doing.

One of the key aspects of Nunavut's political history has been the emerging political elite, which has displaced the previous generation of leaders who negotiated the land claims agreement. Clancy (1987: 298) has argued that class power in the north and elsewhere is politically mediated. In the political realm, class interests are organised, alliances are made, and coalitions formed.

In the north, these interests have been pursued through several channels such as political parties, electoral mobilisation, associational lobbying, and particularly through the negotiation of Aboriginal claims.

In Nunavut, however, the political elite who replaced the older generation of leaders who had struggled for the creation of this territory seemed to have emerged from the Northwest Territories' politics and from alliances created there. The leaders who negotiated the agreement, who are considered to be close to Inuit culture, and who socialized within the traditional Inuit culture, were displaced by a political elite trained and educated to meet the requirements of Canadian politics rather than those of Inuit aspirations. Furthermore, these Inuit politicians have become political intermediaries between the federal government and the Inuit population, focusing on developing a political carrier and obtaining symbolic benefits.

The failure to meet peoples' expectations has created a sense of growing alienation among some Inuit, who question the vision statement use to create Nunavut and what it has become. In this context, some issues such as an essentialized vision of tradition were emphasized during the second territorial election in February 16, 2004. As part of the process of essentialization, culture and tradition became political resources to attack the current nature of Nunavut's politics and political issues.

In the 2004 election process, prominent leaders such as Tagak Curley emerged from Nunavut's political past to bring some of the Inuit alienation to the forefront. The founding president of the Inuit Tapiriit Kanatami and chief negotiator for the Tungavik Federation of Nunavut, whose political career had ended a decade earlier, decided to run for a territorial seat and the premier's position in order to promote Inuit culture and tradition. Curley regretted the lack of senior leadership in the last government and Premier Paul Okalik's inclusion of protection for homosexuals in the Nunavut Human Rights Act (Younger-Lewis, 2004).

The Human Rights Act was discussed for a long time. The turning point in its debate was the inclusion of same-sex marriages in 2003, an issue that created a polarized discussion on traditional Inuit values versus foreign values. While most non-Inuit supported the initiative, Inuit were divided on this issue. For some, same- sex marriages are not "traditional." Others, in contrast, argued that neither Inuit culture nor Inuit names are gender biased. In fact, the image of the shaman having both sexes represents a bisexual or androgynous image.

Moreover, tradition as an electoral issue centred, on the one hand, on the opposition to same-sex marriages and, on the other, on the revival of the Christian faith. Same sex-marriages were described as being unacceptable to God and, therefore, also unacceptable to good Christians. Moreover, some missionaries perceived the lack of a party system in Nunavut as an opportunity for leaders to express their personal moral values without being constrained by a party platform (Bell, 2004). The Christian ministry "Canada Awakening" has been committed since the 1990s to building an Indigenous Church in Canada's north and is represented as an institution committed to Inuit traditional cultural values and leadership.

However, non-Inuit residents have severely criticized the lack of political parties in Nunavut, arguing that the absence of clear political platforms has contributed to the emergence of fundamentalist positions. Although most MLAs are close to federal political parties such as the Liberal Party, they are not willing to disclose their political ties for fear of being accused of being 'southerners'. A non-Inuit resident was very explicit in this regard: "There is no concerted effort, no political program, no platforms, no nothing. It is risky because we are witnessing a revival of the traditionalists or fundamentalists here" (Interviewed in Iqaluit, August 2003).

Some Inuit share these concerns. For example, some of the 10 women who ran for office expressed their feelings, explaining they had decided to run in the general election because of the debate about the Human Rights Act in the Legislative Assembly. Beardsall, a female candidate commented:

> I also believe in God, but I do not believe in thrusting him down people's throats. I respect people and I respect their rights and I cannot say that gays and lesbians are bad people. ... I think we - [women] got worried, I think men's view and women's view are quite different at times (interview in Nunatsiaq News February, 13, 2004).

However, in a male dominated campaign, the female candidates were not able to gain much attention for their concerns. The second territorial election resulted in the election of 17 males and 2 of the 10 women who had run for office. The election of the premier was the second phase of the election process.

The MLAs were divided between choosing Paul Okalik, who represents himself as a promoter of human rights and the Human Rights Act and who finally won the position, and Tagak Curley, who considers himself a government watchdog protecting Inuit language and culture. He advocates that the government should strongly promote and represent Inuit culture, tradition and identity.

The founding fathers of Nunavut, and the mothers?

In the nationalist rhetoric, culture, past and tradition are represented as a shared, stable and continuous process. Nonetheless, nationalist discourses are battlegrounds over the meanings and contents of culture, past and tradition rather than fixed points of departure. "Nation" and "gender" are categories expressing the conflict inherent in all human communities. Gender and nation are extremely important in nationalist discourses. Like a nation, gender is involved in a relationship of power constantly being constructed through social interactions. The relationship of power between subjects and the construction of femininities and masculinities not only define gender identities but also give them differentiated powers to act in the political context (Radcliffe, 1993:200).

However, the apparent neutrality of social institutions helps to conceal internal power structures and to make the contestable issue of gender taken for granted. For example, the political movement that gave birth to Nunavut emphasized the collective right to exercise authority over the land, which has been a traditional male domain (Cassidy, 1993). The economic and political focus given to the land and its resources positioned men's concerns at the center of the nation-building process. Searles (2001: 124-25) has noted how both national and regional organizations use the image of the hunter as a metaphor for Inuit society itself. Thus, the centrality of the image of the hunter and the economic and cultural focus on the continuation of traditional practices and subsistence have placed women in a less valued position than that of men or at least in a position no longer considered "traditional" (Nutall, 1992). The construction of land use and occupancy as male-centred when the Nunavut land claims were negotiated has had important consequences for women.

When dealing with 'traditional' land use and occupancy, the government policy has focused on validating statements on traditional, and continuing, land use and occupancy of the specific areas claimed. Nevertheless, such an approach focuses on what traditionally is recognized as the male sphere of activities — hunting, fishing and trapping. The indirect consequences of the gendered land claims negotiation process extend beyond the actual contents of a land claim. The bodies mandated to hold and distribute the compensation funds provided through an agreement, without guarantees of equal representation of women and men, do not ensure women have equal access to these funds. For instance, as part of the Nunavut land claims, the Tungavik Federation of Nunavut (TFN) negotiated wildlife income support with the Northwest Territories government. The TFN agreed to narrow the focus of the program from the "household" to the "hunter" as this focus fit within an existing government initiative providing hunters (primarily men) with small amounts of funds to subsidize gas and repairs to machines used for harvesting (Archibald and

Crnkovich, 1999: 8). As well, the shift from the 'household' to the 'hunter' not only valued men's activities as opposed to women's but also continued to conceal important economic and social transformations experienced by the Inuit society.

As noted earlier, tradition is a source of political power that can be used either at an external or internal levels. This power is used externally when a collective identity is asserted with the political purpose of demanding specific rights, and internally when tradition is used to impose behaviours, gender power relations, distribution of resources, and cohesion. Tradition in this sense has gendered the development of contemporary Inuit politics and has been expressed through the image of the hunter.

Much has been written about the importance of the image of the hunter within Inuit society. Condon et al (1995) have noted the connection between Inuit identity and subsistence activities, especially hunting. Wenzel (1991) has written on how hunting is a stabilizing and integrating force within an Inuit community. According to Searle (2001: 124-25), hunting is a social and cultural institution. It is not surprising that the image of the hunter is a central expression of Inuit tradition and identity. Through the image of the hunter, hunting skills and the ability to survive in the Arctic's harsh climate are condensed to portray a male-centered Inuit identity.

Even the efforts made to define Inuit or Inuit traditional knowledge at different workshops have been permeated with the hunter image. Inuit *Qaujimajatuqangit* or IQ has been defined as:

> A long-practiced tradition of passing Inuit knowledge, values and teachings from the Elders down to the younger generations. Inuit knowledge in all areas of life. A philosophy and a way of living that is difficult to put into a few words in a short period of time. The knowledge of wildlife, hunting techniques and an understanding of animal life, biology, and migratory patterns. A knowledge of survival skills without the use of modern technology, such as but not limited to making clothing appropriate for the climate, how to make use of traditional tools and weapons, weather forecasting and navigation skill". (Department of Culture, Language, Elders and Youth, 1999: 14).

The concept of "traditional knowledge" was created when the territory that now is Nunavut was still part of the Northwest Territories, and refers to harvesting and sustainable development. This concept was understood as a body of knowledge that the Inuit have known since time immemorial and that focuses on hunting. Because hunting is central to survival, hunters must know about seasons, survival skills, weather conditions, and animal migration patterns. Since hunting is a male activity, traditional knowledge was defined in terms of what men do. This definition excludes those activities performed by women, such as skin-cleaning, midwifery and sewing, by defining what is important; today to tradition.

While Inuit culture, economic self-sufficiency and politics have focused on men, women have been portrayed as keepers of the home and the culture, so that Inuit womanhood has been placed in the private sphere. As occurred in many societies, an expression of this restriction has been that political positions are gender-biased and hierarchical. Women are discouraged by the community from occupying high-level political positions or the position considered to be part of the public realm because occupying them would prevent women from fulfilling their duties within the house and to the family. In contrast, lower ranking positions are considered to be women's. As Nancy Karetak-Lindell, one of the very few female Nunavut MP's, explained,

> I ran for Kivalliq Inuit Association (KIA) and lost by 63 votes because I knew there were some men out there who absolutely did not want to see a woman in the KIA presidency. I proved that by running the next time for secretary-treasurer and I won that overwhelmingly because there are some people in the community who felt that secretary-tresurer position was a woman's job, but not the presidency. (In *Nunatsiaq News*, November 9, 2001)

Women's role in Nunavut involves nurturing the community and family and is reclaimed by many Inuit women, who mobilize at the community and municipal level to solve basic needs, to participate in healing circles, to promote programs for community's wrongdoers, to deal with alcoholism and other issues. Women's responsibility to the family and community are translated into a commitment to solve pressing social issues. Through these activities women participate in informal political channels, which are not perceived as a threat to male politicians, even though from these spaces women may be influencing local decisions. This geography of gender and power relations within Inuit politics is also expressed by another fact: most people recognize the sacrifice of Nunavut's founding fathers but ignore the active political participation of several Inuit women, who also spent a lifetime in the process of creating this territory. Women such as Mary Simmons, Rosemarie Kupatana, and Mika Kilabuk, among others, were actively involved in the negotiation process since its earliest stages. However, these women are not recognized as "the mothers of Nunavut." As the female interviewee A observed, "We women are perceived, women have been perceived in the political arena as someone not as important as men" (interviewed in Iqaluit, August 2003).

Undermining women's contributions is not exclusive to Inuit society. In her analysis of Basque nationalism, Begoña Echavarría (2001) explores the gendered dimension of the nation-building process through education pedagogies. She argues that in promoting the narrative of a Basque nation, the ethno-linguistic pedagogy has highlighted the portrayal of men as cultural agents in the nation- building process by erasing the contributions women have made to political and cultural life. Similarly, del Valle (2000: 40) has noted how in the Basque nationalist ideology, women have been portrayed as mothers and transmitters of language and culture regardless of the variety of roles women and men actually play in the contemporary society.

Inuit nationalist ideology portrays gender relationships as balanced and complementary, however, this representation is associated with the past rather than with the contemporary Inuit society. In this sense, the masculine authority present in the Inuit nation-building is deeply maintained by a past gendered symbolism that runs throughout the process. Women and men are assigned differentiated roles within the contemporary nation, and these roles determine women's level of political participation and recognition in the contemporary Inuit society. Radcliffe and Laurie (2001: 2), in their study of nationalism, gender and development in the Andes, note that gender hierarchies and the institutionalized masculinities within Indigenous movements are doubly concealed. The subordination of Indigenous men vis à vis the *Mestizo*, or white men, makes Indigenous men's role in reproducing gender hierarchies invisible. These hierarchies of gender and nation represent a double challenge for Indigenous women because they are trapped in two potential conflicts as members of minority groups in a dominant society and as women in a masculine- centered Indigenous movement.

Aboriginal men have usually seen the Aboriginal women's movement in Canada as challenging and threatening to the overall Aboriginal movement. Aboriginal women have challenged government discriminatory provisions and the legitimacy of Aboriginal leadership. However, women have had great difficulties in making political or legal claims because the strategies implemented speak only to one dimension of Aboriginal women's identity: either their gender or indigenous identity (Aks, 2000; Desmarais, 1998). Whereas Indigenous women might embrace culture and tradition, so that these women support Aboriginal nationalist projects, these women do not necessarily embrace the same vision of nationalism and nation that men do, specially if doing so contributes to the perpetuation of gender power relations.

In negotiating complex gender hierarchies in contemporary Indigenous societies, women try to counteract and contest hegemonic visions of tradition by adopting and transforming these visions. Women emphasize the feminine side of Indigenous symbolism in order to validate themselves when acting in the public sphere and to create an influential and traditional political space. According to Hill Collins (1994), the notion of "motherwork" reflects the belief that individual survival, empowerment and identity require group survival. Therefore, the concept highlights both the role of women as guardians of the nation and the traditional centrality of women in Aboriginal politics and decision-making. However, the incorporation of gendered rhetoric in national projects can both enhance and inhibit women's participation in the public sphere. This rhetoric can enhance women's participation by representing contemporary political involvement as traditional and influential. On the other hand, women's participation can be inhibited because tradition and woman are both boundary makers.

"Traditional" Gender Relationships: bringing the past to the present

At the foundational or epistemic level, tradition is a means through which people try to bring some order to the world and to make it more predictable (Popper, 1972). However, tradition is more than just an inherited set of practices, values and knowledge. It is an intellectual, aesthetic and political resource used in building communities, nations and identities (Searles, 2001: 122). Thus, tradition and politics are intertwined in all societies whose self-representations rely on the representation of the past (Babadzan, 2000:131). As a political resource, tradition helps in the reconstruction of power relations, the imposition of specific behaviours on members of a community and the representation of a unique identity before the "other." Tradition, in this sense, has a normative dimension because it is a source of political recognition and internal self-ruling.

Tradition and its normative dimension can be strongly emphasized in circumstances where a nation might feel vulnerable before the "other." As the capital of Nunavut, Iqaluit is still a small town continuing to grow more cosmopolitan every year. The number of bars, restaurants, hotels and stores is also increasing. A place of ethnic and cultural intersection, Iqaluit remains a town where identity representation is very visible. Despite the nation-building process in Nunavut, *Qallunaat* (or southerners) still control many of the important positions including those in government, health care, education and social services. Inuit are aware of the impact that *Qallunaa*t have and will have on Iqaluit's future. Thus, this asymmetry influences how Inuit represent their identity. As Searles (2001: 123) has noted, a major issue for most Inuit is how use tradition to create more autonomy and meaning in their lives while adapting themselves to more complicated social and economic conditions. This process impacts on how gender relations are represented and lived out in contemporary Inuit society. In this section, I explore how gender and tradition intersect in the representation of the nation.

During the last thirty years, much anthropological literature has focused on gender dynamics among Aboriginal peoples in northern North America (Ackerman, 1990; Bodenhorn, 1990; Guemple, 1986; Jarvenpa and Brumbach, 2001; Jolles, 1997). Some studies have emphasized questions of the status, equality, power, prestige and authority of females and males. Ackerman's (1990) study on gender-based authority relationships allows for an assessment of male-female equality. Similarly, Saladin d'Anglures (1994) explores the flexibility of genders in some northern communities by focusing in the 'third sex' represented by shamans.

In most of these studies, work is critical to understanding how gender is constituted among the Aboriginal peoples of the north. Guemple (1995: 19) states that the Inuit tend to define relations among people in term of the allocation of work. Men are occupied with hunting, gathering and hauling food and heavy raw materials, and constructing and maintaining hunting tools. Women's responsibilities, on the other hand, are allocated to the household and include cooking, processing and sewing skins, fishing, gathering fuel and berries, and childbearing. Although the differentiated allocation of work between men and women tends to be represented in terms of complementary work, Gombay (2000: 132) argues that women were traditionally subject to Inuit males.

As gender is a construction constantly recreated through the repetition of actions, the allocation of work is based on the ability to engage in one's gender work. In Inuit society, neither gender infringes on the other's work, but when necessary, women and men have a working knowledge of the other's work (Guemple, 1986).

The difference between the two sexes' work is closely related to the environment. Men are associated with the outdoor world of hunting while women are strongly associated with the home. In hunter-gathering societies like that of the Inuit, the organization of the household is more than a reflection of the society: it is society itself (Brumbach and Jarvenpa, 2002: 202). The Inuit's traditional differentiated gender-sphere constructions and representation persist into the present day even though the type of work performed by men and women has changed as the relationships between them have also changed (Reimer, 1996). This process means to call the past to control the present.

During the last decades, an important economic trend has affected how the Inuit practice their traditional subsistence activities, particularly hunting. This people have become strongly dependent on the wage economy, so that traditional activities such as hunting are at risk. Since hunters today depend on snowmobiles, fuel, bullets and so on, hunting has become a very expensive activity. Thus, full-time hunters are becoming rare. The popular saying "Every great hunter has a wife with a good job" refers to the extent to which hunters depend on their wives.

The rhetoric of tradition continues to strongly influence the value given to traditional work and the respect accorded to workers. Being a "real Inuit" implies the ability to perform traditional activities. As Searles (2001: 126) has observed, hunting is a vital cultural institution, one that is fundamental in defending whom Inuit are. In fact, the land claims agreement corporation Nunavut Tunngavik Incorporated (NTI) has made hunting one of its priorities by providing grants to help families to maintain a hunting lifestyle. The social pressure on Inuit males' identity is stronger than that on women's identity. Men face a difficult situation. On the one hand, Inuit society constructs and values male identity based on the rhetoric of tradition and hunting; on the other, since hunting is an expensive activity, men cannot be the autonomous providers they used to be. Since Inuit women's activities are not as highly valued or at least not considered as 'traditional' as men's, women's insertion in the wage economy and adaptation to the cultural changes has been to some extent easier. A female interviewee working for the government observed:

> For women, without a doubt they have handled the changes 100% better than the males. It is reflected in the current Nunavut government where a significant number of women have been hired. The people staying at the jobs are women. In the colleges, when you look at the consisting college programs is all women. ... Women for the most part had always a dual responsibility of balancing the home, keeping it steady there. ...Even back at the traditional hunting camps, men were out and did their thing and women have to keep everything going no matter what. More women are graduated and skilled and still handle to fulfill their dual roles. (Interviewed in Iqaluit, August 2003)

Similar patterns have been found among Alaskan Natives (Fogel-Change, 1993; Hamilton, 1994). After the passage of the Alaska Native Claims Agreement Act, paid employment was created, and women started to occupy positions in the feminized sectors of the workplace such as education, health care, and social services. Although men were involved in seasonal jobs, policies were created to allow men time off to continue hunting, considered a central traditional activity. However, these policies were not extended to women. Female employees were expected to work and perform traditional activities at the same time. As a result, although Aboriginal women continue to be motivated by the rights and responsibilities associated with their roles as females in their cultures, these women also recognize the tensions between their traditional roles and current social, economic and political conditions (Reimer, 1996).

Bodenhorn (1990) argues that even though the division of work remains gendered within Inuit society, equal prestige is assigned to the contributions of men and women. However, exactly how this prestige is measured is unclear, especially in view of how Inuit culture values hunting in comparison to women's activities and how this value in translated into more benefits form men. Women are currently part of the wage economy, but they are not getting better services to help them to stay in their jobs. Interviewee D explained:

> It is not enough to say that women can get jobs now. We are talking about full participation, not just economic participation. It is not enough to say we hire women, what do you do to keep these women in the field, having daycare. We need programs to encourage them, to advance them. We hear this all the time: 73% of the workforce are women, but they are paid far less than men. There is nothing in place to encourage them to access senior management positions or get into politics. (interviewed in Iqaluit, August 2003).

While programs are in place to encourage the practice of some traditional activities, no programs correspond to the changes being experienced. Moreover, the complementary relationship among men and women is based upon understandings of work and traditional activities that have changed drastically over the past century. These changes have influenced the positioning of women in the contemporary political sphere. Many women are part of the workforce, but few of them are engaged in formal politics or senior management positions. Despite the ongoing transformations of gender roles, the traditional dichotomies between the camp and the land seem to be translated into the public sphere. Since the symbolic and real power of women has been usually located in the domestic realm, women tend to be concerned with social issues and to deal with them by drawing upon an intimate knowledge of those community problems that are linked to the domestic level. From this perspective women legitimize gender past traditional roles, yet they try to reformulate its meaning in the contemporary world and politics.

Besides informal politics, some Inuit women were also actively involved in the political movement to create Nunavut, even though their role in this movement has not been entirely recognized. However, we must distinguish between women's involvement in the "homeland" and in the outside world. At the homeland level, the Legislative Assembly has few female MLAs. In contrast, a considerable number of women have been involved in pan-Inuit organizations. Women such as Mary Simon, Rosemarie Kuptana, Shelila Clouthier and Nellie Cournoyea, among others, have served at high levels of the Inuit Circumpolar Conference, Pauktuutit, and the Inuit Tapirisat of Canada, spaces that are further away from tradition, which is place specific.

The Nunavut Implementation Commission (1995:A-8.4) stated that women are less politically involved at the territorial level than at the municipal level because systemic barriers to women's participation are weaker in women's hometowns than at the territorial level. Perhaps the problem is that at the territorial level, the new male political leadership socialized in the NWT's politics has dominated Nunavut politics. Thus, women wanting to participate at the territorial level would have to compete with a well established political leadership. This male domination of politics has also prevented the founding mothers of Nunavut from been fully recognized.

Since the creation of Nunavut, women have made few political gains. In Nunvaut's second election, in February, 2004, 10 women were running, a number representing no real change from the 1999 election, in which 11 women ran, and only one obtained a seat. In the second territorial election, 10 women ran, and only two were elected in the context of a highly polarized campaign in which women's concerns were poorly presented. The Nunavut Implementation Commission (NIC) sought to prevent this situation by introducing its controversial gender-parity plan in 1994. This proposal aimed at guaranteeing equal representation for women and men in the territorial legislation. If this proposal had been passed, Nunavut would have had a unique electoral system in which voters would have cast two ballots, one from a list of male candidate and one from a list of female candidates. However, as I will discuss in the next section, Nunavut was not ready for this change.

The Gender-Parity Proposal: Gender Equality of Traditional Roles?

The issue of equity for Inuit women in the political, economic and social realms can be understood, at least partially, in the context of the brief but intense debate around the controversial gender-parity proposal. In 1994, as part of its task of overseeing the creation of the new government of Nunavut, the NIC released a document proposing that the new government should be gender-balanced by creating two-person constituencies, with one male and one female representative (Nunavut Implementation Commission, 1994). The paper stated that men and women had differentiated access to the political system and different styles and priorities when governing. If this proposal had been adopted, Nunavut would have had the world's only gender-equal legislature at that time.

In November 1996, the NIC sponsored a conference in Cambridge Bay to resolve issues involving the creation of the new government, such as how the government should be founded, how many seats the legislative assembly would have, and what would be the name of the new territory. However, the most controversial proposal presented at that conference was the gender-parity proposal. Although 72% of the delegates approved it, the members of the Nuanvut caucus in the Northwest territorial legislature told the conference they wanted a plebiscite on the proposal before it was submitted to the federal cabinet.

Prior to the referendum in May 26, 1997, the proposal was discussed in the middle of an intense debate on the radio and in the press, in which Inuit culture and tradition became the focus. The referendum resulted in the rejection of the proposal for gender parity, with 57% against it and 43% in favour. The voter turnout, however, was only 39%, in comparison to the voter turnout of 88% that later elected the new government of Nunavut and one woman to sit in the legislative assembly. Manitok Thompson, the female candidate elected, was one of the strongest opponents of the gender-parity proposal. Leading the Nunavut Caucus in rejecting the proposal, Thompson argued that it was not right to put her in a position where for the rest of her political career, she would only be able to run against women (Bourgeois, 1997). In contrast, Amagoalik (1997), one of the prominent promoters, wrote: “This [gender parity] vote will reveal what kind of society we are.”

In Nunavut, the creation of political and institutions was rooted in the aspiration to integrate and represent the fundamental Inuit characteristics. The creation of governing institutions can be considered as central to the nation-building process and as a reflection of the contested nature of Inuit national identity. Although drawing clear conclusions from the plebiscite on gender parity is difficult, we can say that both sides used similar cultural arguments to support and contest different interpretations of Inuit culture and tradition. Thus, these arguments illustrate the contested nature of nationalism and national narratives, the interrelation of power and gender relations in this process of constructing them, and the struggle for political hegemony between the ‘old’, ‘traditional’ leadership and ‘new’, institutional leadership.

The issue of the systemic barriers to women’s participation in the political process and governance structure was fundamental to the proposal. The official proposal, supported by all Nunavut ‘traditional’ leaders, of whom 22 of the 25 were men, emphasized the need to eliminate such barriers in order to create a balance and mutual respect between the sexes in the decision-making process (Nunavut Implementation Commission Press Release, 1996).

Initially, the NIC highlighted systemic barriers and avoided cultural references in the proposal. However, the debate began to include arguments around tradition, unity, homeland and traditional gender roles. In other words, the debate ended up in the sphere of the nationalist imagining of the new community and the symbolic importance of women in this nationalist rhetoric. The gender-parity proposal, arguably, exemplified that gender and tradition are highly implicated in the construction of Inuit nationalism and national identity. My analysis of this debate focuses on the cultural arguments around tradition, homeland, unity, the construction of legitimate national institutions and the place of genders within the nation. This analysis relies on interviews, public records such as newspapers and other primary sources.

a) Tradition

As argued previously, the use of tradition is fundamental to constructing national narratives and to nation-building (Anderson, 1991, Chatarjee, 1996, Gellner, 1993, Smith, 1999). Tradition and the issue of gender equality within Inuit society were used by both supporters and opponents of the gender-parity proposal. Three arguments were made regarding it: (1) gender parity would help to restore women and men's traditional equal value; (2) gender equality is foreign to Inuit society; and (3) women are already being respected.

The proposal's opponents argued that traditional gender relations among Inuit were rooted in mutual respect; therefore, the proposal was unnecessary. As a former MLA remarked, "Women did not need to earn respect, they already have our respect. Look around, most of the employees in this government are women" (Interviewed in Iqaluit, July, 2003). Similarly, male interviewee Y claimed, "Gender equality? That is foreign to us Inuit.... We men and women are different but equally respected. We complement each other, one could not survive without the other (Interviewed in Iqaluit, August, 2003). Another interviewee observed, "Inuit do not fully understand the concept of gender equality. The majority is not really concerned with that issue (Interviewed in Iqaluit, July, 2003). Manitok Thomson, a high-profile opponent of the proposal argued, "Women performed as much work as men, but rarely had an input in major decisions of the nomadic life. Just because we have gender parity does not mean we will have gender equality" (in Laghi, 1997).

These arguments highlight that some Inuit did not view gender parity or the gender issue as an important factor in the construction of Nunavut or in understanding Inuit tradition. To complicate the landscape even more, since at least the 1990s, Christianity has been a major factor incorporated into Inuit "tradition," so that being a "real Inuk" is somehow bound up with adopting Christian values. Moreover, it was a conservative interpretation of Christianity played a major role in conceptualizing the proper relations between men and women. In fact, religion was used as a basis to oppose the gender parity proposal (Gombay, 2000 Dahl, 1997). The Christian Church mounted a strong campaign defining women's traditional role in terms of the household. The gender-parity proposal was seen as an instrument to prevent women from fulfilling their duties to their families. In addition, the proposal was perceived, by some people, to promote more violence against women and more cultural destruction because they would not be able to take care of their families as expected.

In contrast, the supporters of the proposal brought different interpretations of 'tradition' and 'gender roles' to the debate. Although initially, the NIC refused to use cultural arguments to promote this proposal, the members of this commission and other supporters eventually used the rhetoric of tradition as well. John Amagoalik, for instance, stated several times that gender equality in the legislature would best reflect the division of labour and equal sharing of responsibility between women and men in Inuit society before westernization ended this society's nomadic lifestyle (Laghi, 1997).

Other supporters involved in the debate similarly asserted that gender parity was crucial to restoring the traditional understanding of respect and equality. They argued that the balanced relationship between Inuit men and women had been undermined by the contact with Euro-Canadian society. Martha Flaherty, former president of the Pauktuutit Inuit Women Association, noted: "Unfortunately southern values, laws and institutions in Inuit society have resulted in social, political and economic chaos in our communities. Women have suffered doubly for we lost status in our own society and were subjected to patriarchal institutions born in the south" (Royal Commission Report, 1996: 72).

Mary Simon, the Canadian Polar Ambassador, also stated that the equality of men and women in traditional Inuit society would never have been questioned in the past. As some scholars have emphasized, men and women in traditional times were always equal because neither gender could survive without the work performed by the other (Phillips, 1997). However, Simon continued, under the current circumstances, helping fix imbalances in the Inuit world caused by contact with outside cultures was necessary. Rita Arey, president of the Northwest Territories Council of the Status of Women, also claimed that in traditional cultures, men and women were equally respected. Women's opinions were respected and sought out because they provided balance and harmony in decisions affecting the well-being of the community as a whole (Status of Women Council of the NWT, 1997). Similarly, Commissioner Peter Irneq argued that the purpose of the gender-parity proposal was to return equal partnership and responsibility to both men and women. He observed that everybody wanted a government, a legislature, "made in Nunavut," and he claimed, "Well this [proposal] is" (Bourgeois, 1997). As interviewee W stated: "Inuit women and men used to share power and responsibility. Women had a lot of control over child-bearing, midwifery and other domestic issues. Social issues would have a higher priority in the Nunavut legislature if half of the members were women" (Interviewed in Iqaluit, July 2003).

Nonetheless, 57% of the voters who turned out rejected the gender-parity proposal. Most Inuit supporters referred to it as a way to heal, reconcile and restitute traditional relationships found in an idyllic past. In contrast, the opponents of the proposal challenged such an interpretation of tradition by arguing either that women were already respected or that "equality" was a foreign notion to Inuit. The most vocal supporters and opponents were leaders or politicians, who were already politically active, trained and who could publicly articulate an argument to make their point. As well, during this process, an additional divisive element was introduced which distinguished between elected leaders and non-elected, 'traditional' leaders. To some people, the proposal came from the leaders who had negotiated the agreement but not from elected leaders, yet the latter thought they were the ones representing the Inuit population (Anawak, 1996). Furthermore, the debate about the political process also extended to the role and style of the political elite in Nunavut. As the NIC allocated important resources to various Inuit and women's organizations such as Pauktuutit, the NWT Status of Women Council and NTI to promote and defend the proposal, Gombay (2000: 140) suggests that the Inuit may have perceived the 'old' leadership as "too bossy". In other words, the process was also a battle for political hegemony.

Gombay (2000: 139) observed that non-interference is a characteristic of Inuit leadership. In Nunavut, the leaders did interfere in the gender-parity campaign, so the low turnout of voters reveals the low degree to which Inuit actually connect to the political process and to their political leaders. Although Gombay's argument is revealing, other elements should also be considered. What the low turnout also shows is how the gender-parity proposal was inserted into a transitional political context in which two generations of leaders were fighting to prevail in Nunavut's politics. People were divided not only regarding the place of women within the nation and tradition, an issue which was in itself complex, but also regarding the role of two competing political elites. While the 'old' leadership may have felt left out, the Nunavut government and institutions were created for the 'new' political elite, already socialized into formal, institutional politics.

Others have presented different arguments to explain the defeat of the plebiscite. A female supporter observed: “I traversed the territory during weeks and witnessed a dramatic educational process. I feel that with more time and more campaign we could have shifted enough to create a ‘yes’” (Interviewed in Iqaluit, August, 2003). Basically, this interviewee maintained that the defeat of the plebiscite had to do more with the process itself and not with any inherent opposition. Another interviewee argued: “I feel our leaders were not able to establish bridges with the people. Some were confused, others supported the proposal in private but were afraid of being misjudged” (Interviewed in Iqaluit, July 2003).

Kobayashi and Bakan (2003), in their study of the development of equity policies and programs in Nunavut, also provide different explanations for the failure of the gender-parity proposal. First, these authors argue that Inuit society makes decisions through seeking consensus and that major changes require a great deal of discussion and consultation. Therefore, the supporters of the proposal did not have enough time and resources to develop an adequate consensus as they had also to meet Ottawa’s deadline. Second, the Inuit perceived the proposal as a southern solution that adopted a southern-male domination style in the Inuit political system. Third, as a result of colonial domination, the Inuit do not respect the wellbeing of women.

Dahl (1997:46) offers a different explanation of the proposal’s failure. He argues that the identity insecurity experienced by men contributed to the rejection of the proposal. This author argues that men used to go out and return with food, knowledge and information about the outside world to pass on while women listened. During the last decades, these traditional roles have changed. Women have become wage earners and received a better education than they had previously, while men have become unemployed and remained at home without any possibility of maintaining their role as providers. Nonetheless, perceptions of traditional gender roles have not changed accordingly.

b) Homeland and unity

Emerging nations require a sense of sameness, unity, and strong commonality based upon tradition when representing themselves through the language of nationalism. Therefore, the supremacy of the collectivity over the individual is considered fundamental in any nationalist representation. Nunavut is not exceptional. As argued previously, Inuit nationalism focuses on the collective experience rather than on the internal divisions.

While the supporters of the gender-parity proposal conceived it as a means to create a functional, balanced and bounded Inuit identity, those who opposed it argued that the proposal would threaten the unity that already existed. For example, the former president of ITC, Paul Quassa (1997) wrote in the local newspaper Nunasiaq news,

> You look at the Nunavut land claims agreement, we talk about 'beneficiaries,' we talk about collective ownership of the land, we talk about collective rights. These are done in such way that we knew this was the way our ancestors would have done things. They did things collectively in order to survive. Will our women, or in fact men, get better representation if this gender parity becomes a reality.... It is not that I am against the fact

> that we view everybody the same and to treat everybody equally, but I believe that this trend will only make the Inuit think and act as if they are two distinct groups rather than viewing us all as one.

Similarly, Paul Arreak (1997) pointed out in the same newspaper that the gender-parity proposal was against the 'Inuit spirit,' which is based on commonality not individualism. Women cannot be viewed as a separate collectivity or even a division within the collectivity because such perception jeopardizes the viability of the whole.

As Dahl (1997) argues, the opposition to the proposal reflected the extent to which the Aboriginal movement is unwilling to focus on gender issues as an issue separate from self-government. Among the most common reasons given by Aboriginal male leaders for this unwillingness is that such separation undermines the viability of the collective movement. The Pauktuutit Inuit Women Association, like any other Aboriginal women's organisation, has had to seek a position from which it can represent women's voices without threatening the Inuit collective movement.

As argued earlier, feminism and nationalism have an ambiguous relationship. On the one hand, nationalism has promoted feminist forms of activism, but at the same time, has limited women's political actions and horizons (Hall 1993:100). Aboriginal women face the challenge of reconciling their gender aspirations with their peoples' collective claims, a challenge which illustrates the tensions between women's aspirations and their struggle for Aboriginal self-government.

Much of Inuit nationalism and nation-building focused on securing rights over the land, which is strongly attached to tradition and male activities such as hunting. Thus, the politics of Nunavut fall more into the traditional male domain than into the women's domain. While men are still conceptualized as the providers and as the connection with the outside world, women are perceived as carriers of tradition and as those who take care of the household and the family even though they have become the providers.

Aboriginal women still assume these differentiated roles. As interviewee J observed: "Women are concerned with family and social issues, with alcohol and drug abuse, with domestic violence and so on. If half of the MLAs were women, these issues would have a higher priority in government (Interviewed in Iqaluit, July, 2003). Motherhood, along with the responsibility to nurture the children in a traditional manner, becomes a powerful political tool to Aboriginal women when perceived as a central role. In fact, this responsibility has been emphasized as a primary reason for women to get involved in politics (Royal Commission Report on Aboriginal Peoples, 1996: 64).

Paradoxically, the centrality of family understood as the foundation of Inuit culture, society and economy became a strong reason to oppose the gender-parity proposal. Many people expressed concern that women's involvement in politics would mean a great deal of traveling, which would deepen social problems. Others argued in radio debates that women's place is in the home and men's was in the outside world (CBC, Iqaluit, 1997).

The importance of the homeland, of the nation as an extension of the home, is very important in Nunavut. As I observed in Chapter I, in recreating nationalist projects, culture and tradition are essentialized. In this process, gender issues are diluted because gender is not the object of struggle but the everyday experience of material and social inequalities and differential access to resources (Gopal, 2000: 149). However, constructing the vision of the nation, defining gender roles and distributing its material content is a gender-biased exercise. In the nationalist rhetoric, women's issues become a matter of preserving culture and women's roles as guarders of tradition rather than a matter of power relations within the nation and between men and women.

Amagoalik used this ambiguity to support the place of women in the legislature or the 'house' of the nation:

> There is a good reason why legislatures are referred to as houses. It is because the affairs of the human family are discussed and debated. They are living rooms of peoples and nations. When Nunavut's house opens in 1999, will it be run by a single parent? We believe that most people want to see both father and mother. Things just work better that way. (Nunasiaq News, March 1997)

However, the parallel between the house and the legislature proved to be problematic, perhaps because it did not succeed in reflecting the equal but yet separate symbiosis between male and female that Amagoalik wanted to portray. Moreover, the idea of representing past traditional gender roles into the framework of present non-Inuit government institutions was very problematic. Some opponents to the proposal counter-argued: "If (men and women) had the same role within the family, Inuit surely would not have survived to experience the signing of the Nunavut land claims agreement. It seems that pro-gender parity group or politicians are making an issue with one eye closed, for there is such a thing as the Canadian Charter of Rights under Canadian law" (Quasa, 1997).

The rejection of the gender-parity proposal can be seen as a rejection of a non-traditional expression of tradition (Kobayashy and Bakan, 2003: 21). Supporters of the proposal use tradition and the centrality of tradition within the nation's past to reinforce gender equality within conditions of the modern life and political culture. Although gender and home have been central to the imagining of Inuit nationalism, as is the case with other nationalisms, these foundations for identity could not be incorporated into the state institutions adopted to protect Inuit culture and identity.

Conclusions

In this chapter, I argued that the construction of Nunavummiut identity was and is nationalist in nature and that this construction is a political process translated into the familiar language of nationalism, in which gender and tradition are highly implicated. The construction of Inuit nationalism is an ongoing process involving power relations, the definition of gender roles and the contestation of tradition in controlling the present. In the context of the institutionalisation of Inuit politics and deep socio-economic changes, tradition and culture remain a space of struggle in which constructing the vision of the nation and distributing its material content is a gendered exercise.

In the nationalist rhetoric, culture, immemorial past and tradition are constructed and represented as a collective, stable and continuous foundational process. However, cultural discourses are battlegrounds about contents and meanings rather than homogenous perceptions. Nation, gender and tradition are central categories that express the conflict inherent in human communities. Gender and tradition are extremely important in nationalist discourses. Gender, tradition and nation are built upon power relations constantly constructed and exercised through social interactions. These power relations between subjects, and the construction of masculinities and femininities, not only distinguish between gender roles, but also assign women and men differentiated access to political power, as the rejection of the gender-parity proposal and the small number of women elected to the legislative assembly show.

The nature of women and men's traditional roles in the perpetuation of the past into the present is contested and complex. The politics of Nunavut seem to represent traditional, complementary gender roles. However, this reproduction is expressed in the contemporary society into more benefits for men than for women. While men are conceptualized as the providers and as the connection with the outside world, women are still conceived as carriers of tradition and as those who take care of the household and the family. In assigning women the role of taking care of the family and the home, women are also portrayed as those attributes that would not threaten the unity of the family and the reproduction of the nation. For this reason, the Aboriginal movement in general has not shown any willingness to focus on gender issues as an issue separate from self-government.

Moreover, although cultural discourses are in themselves contested, additional elements have polarized this contested nature of Inuit nationalism. First, the ethnic composition of Nunavut and the asymmetry of the power relations that exist between Inuit and Qallunat influence how Inuit represent their identity. For most Inuit, the use of tradition not only represents the creation of more autonomy and meaning in their lives, but is also a way to make a statement about what Nunavut is all about.

Second, although Nunavut was conceived to be a "Canadian creature" strongly rooted into the confederation, it was also envisioned as representing the Inuit majority and serving their interests and protecting their culture and language. However, a growing sense of alienation permeates Nunavut political life. Inuit culture is not being protected and represented and the Inuit have not been proportionally represented in the jobs created in the government. The sense of alienation could help to the development of a traditionalist vision that could further question the legitimacy of Inuit elected leaders and of how culture, gender roles and tradition are incarnated and lived within the Inuit nation.

Chapter IV Tradition, Gender and Political Power within the Zapatista Movement in Chiapas, Mexico.

Introduction

As argued throughout this work, nationalism has been involved in much of the political change in the twentieth century and continues to play a crucial role in current political discourses. Nationalism has served as a political and ideological template for autonomic movements throughout the world. Ironically, even though Indigenous autonomic movements have extensively used a nationalist rhetoric, they have not been intensively studied under the lens of nationalism, particularly in countries like Mexico where the connections between nationalism and the Zapatista Indigenous movement has been largely ignored.

In this chapter, I explore how the Zapatista movement in Chiapas created the opportunity to redefine an national Indigenous identity and, at the same time, opened spaces for women to challenge the essentialist construction of such an identity. I argue that the Zapatista movement and its self-declared "autonomous municipalities" are nationalist in nature. However, historical and sociopolitical factors have conditioned the nature of this nationalist project, which represents itself as inclusive and as originating from below. The Zapatista nationalist movement has attempted to develop an inclusive and wider movement with the so-called civil society by making democratic, Indigenous and gender demands at the same time. Nonetheless, the articulation of Indigenous demands based on tradition, civil society's demands based on modernity, and gender issues that fit within neither tradition nor hegemonic feminism have made achieving inclusiveness a difficult task. Indigenous peoples have struggled to remain central vis á vis a civil society that has attempted to control the political agenda, but Indigenous women have also had to struggle to remain visible and to achieve their aspirations in a male dominated Indigenous movement.

I will first explore the historical roots of the Indigenous movement in Chiapas and how this movement became a nationalist one. Second, I will discuss the relationship between Indigenous nationalism and tradition. Third, I will elaborate on nationalism, tradition and gender. Fourth, I will look at how the autonomic movement has manifested itself in one particular Zapatista municipality: San Andrés Samkamch'em de los Pobres. Fifth, I will explore the relationship between gender and tradition in the construction of Indigenous political institutions and self-government in San Andrés Larráinzar. Sixth, I will discuss the relationship between Zapatist and civil society and finally, the consolidation of the Zapatista national movement through the creation of the so-called Caracoles.

The emergence of the Zapatista Army of National Liberation in the state of Chiapas in January 1st, 1994 helped to bring the issue of Indigenous peoples' right to self-determination to the forefront by appealing to an ethnic discourse. Although prior to the Zapatista uprising, several Indigenous organizations had articulated a human collective rights discourse, the Zapatistas signalled a clear shift from an agrarian discourse to a nationalist rhetoric. Articulating a discourse of peoplehood, the Zapatista Army demanded the recognition of Indigenous rights, particularly the right to self-determination and Indigenous organizations from other regions in Mexico promptly made the same demand. Equally important for the purpose of this chapter, the Zapatista movement also contributed to the visibility of Indigenous women's political activism and the double discrimination these women face in the mainstream Mexican society and from their male counterparts. Indigenous women have exposed some of the internal divides the Zapatista movement faces regarding the political uses of tradition and its implication for Indigenous women and for a movement that represents itself as 'inclusive'.

Unlike the emergence of other nationalist movements, that of the Zapatista Army contributed to place Indigenous women's aspirations in the forefront of the political agenda. However, women face a masculinized Indigenous movement that tends to see women's activism as a threat. Although women's voices have been heard, the construction of a nationalist movement that heavily relies on the assertion of tradition as the core of Indigenous identity has undermined those voices that question such a tradition.

As mentioned in earlier chapters, feminism and nationalism have an ambiguous relationship that has both promoted feminist forms of activism and limited women's political actions and horizons. Since women, men and all social groups are positioned in complex relations of power that intersect in intricate ways, genders and social groups are often positioned in changing and contradictory spaces within a geopolitical space.

Yuval-Davis (1998:29-30), in her pioneer works on gender and nations, argues that although women have important roles such as those of transmitters of culture, language and traditions and bearers of symbolic representations within nations, these roles are always being undermined within the nationalist process. However, as Walby (2000:527) has pointed out, these roles emphasise what women can do for nations, rather than what nations can do for women. In this sense, women are not only symbolic pawns but actors in their own right (Kandiyoti, 1989).

As an ideological movement, nationalism seeks to attain and maintain autonomy, unity and identity on behalf of the members of a determined social group. In that process, women's differentiated position within the nation tends to be undermined because constructing nationalism is a matter of creating deep commonalities, shared immemorial pasts and traditions rather than of revealing internal cleavages. Nations are contingent rather than a universal need. They are constructed as "imagined communities", as natural and universal orderings of a remote political life (Gellner, 1988, Anderson, 1998).

Although the Zapatista movement has contributed to the construction of an Indigenous national identity, asserted the Indigenous right to self-determination, and created *de facto* alternatives for the exercise of Indigenous political power and self-government, this movement has rarely been studied under the lens of nationalism. Among the possible explanations are (a) in Mexico, the tendency is to consider that all nationalisms come from the state; (b) Mexican nationalism has succeeded in representing a homogenous national culture or at least the supremacy of the mestizo culture; and (c) the Indigenous movement has historically emphasized land claims over culture.

The emphasis on land claims extended the perception that land is, overall, a means of production. However, land can also become territory through a geographical strategy that connects society with space. In the first case, land or territory as a means of production comprises the fundamental substance for human survival and material power; in the second approach, land and spaces are transformed into territory, which become a source of emotional power, a geography through which human experiences are filtered and united (Penrose, 2002: 279).

Therefore, territoriality is a geographical expression of power (Sacks, 1986: 5). As such, territoriality is the shift that the Zapatista uprising contributed to the Indigenous movement's nationalist rhetoric. Thus, territoriality became the strategy through which the Zapatista movement sought to influence or control people, phenomena, and relationships by asserting and delimiting control over a specific territory. This process and change in perception and representation from land to territory are what make the Zapatista Indigenous movement in Chiapas a nationalist movement, as I will discuss below. However, before beginning the discussion of the nature of the Zapatista nationalist movement, I will explain the historical context in which this movement emerged and developed. Along with a literature review, this chapter relies on interviews and Indigenous organizations' primary documents such as communiqués, declarations, and minutes from workshops.

Chiapas and its interior borders

During its colonial history, Chiapas[1] was part of what is now Guatemala, where Indigenous peoples faced relocation and lost important chunks of their lands under colonial laws. As well, the Indigenous peoples were among those occupying the lowest level of the elaborate system of racial hierarchies, while the Spaniards were at the top. This system started to change at the beginning of the nineteenth century when the so-called *mestizos*, or people of mixed origins, started to increase in number and to occupy the elite's positions. Chiapas joined independent Mexico in 1824, when new Mexican laws were applied to and mixed with the background that this state had developed as part of Guatemala's colonial history.

As part of the early liberal reforms, agrarian laws were implemented and set important precedents for the Indigenous peoples' loss of land and efforts to reclaim it, while racial categories were used to empower some sectors of the population while disempowering others. Agrarian laws not only defined the legal extension of village commons but also determined what extensions of lands surrounding Indigenous communities were considered "vacant." The so-called *terrenos baldíos*, or "vacant lands", could thus, be appropriated by private citizens. *Ladino*[2] families in Chiapas succeeded in accumulating large extensions of Indigenous lands. In addition, the early liberal reforms were also aimed at reducing the control the Catholic clergy had had over Indigenous religion for more that three hundred years. These reforms, ironically, helped Indigenous religions flourish more openly and the leaders of the Indigenous rebellions to articulate a discourse based on religion, culture and land against the liberal policies aimed at reducing the size of Indigenous lands (Stephen, 2002: 93).

---

[1] See map of Chiapas.

[2] Mestizo or people of Indigenous and Spaniard origins who speak Spanish. By the eighteenth century, the term *ladino* had displaced the term mestizo in Guatemala, and after Chiapas joined independent Mexico in 1824, the term continued to be used in this state.

While agricultural Indigenous lands were privatised, Indigenous forests such as the Lacandon forest became integrated into an international market for hardwoods. The late 1890s witnessed a boom economy in which European, U.S. and Mexican investors established plantations in the tropical regions of Chiapas to extract precious hardwood such as mahogany from the forest and to grow sugar, coffee and cacao (Benjamin, 1996: 39). However, this boom did not benefit Indigenous peoples, whose process of deterritorialization was accompanied by their insertion into economic systems of debt-servitude, peonage, and share-cropping. Such pre-capitalist systems were crucial to economic development in Chiapas. Therefore, the Indigenous rebellions were concomitant with the economic development in this state. Although those rebellions were often portrayed as a "caste war" against the *ladino* population, Rus (1983) has shown that they were attempts to defend Indigenous lands and resources.

Indigenous uprisings against the loss of land titles continued until these uprisings merged with the Mexican Revolution in 1910. Emiliano Zapata's struggle for land and the massive Indigenous support for this movement influenced the post-revolutionary Mexican Constitution of 1917. Under Article 27, the communal use of lands and the creation of *ejidos* were recognized and protected. Article 27 was the most enduring legacy of the Mexican Revolution because this article allowed Indigenous communities to reconstitute themselves as collective entities with legal structures. However, since the agrarian law was gender-biased, land and *ejido* rights were granted mainly to men, who petitioned for or inherited those rights. Women's access to land was limited because women were not considered "heads of households" unless they were widows or single mothers. Women and men did not become equal under the agrarian law until 1971, when women were no longer required to be widows or single mothers in order to have access to land (Baitenmann, 2000). However, in practice, women's access to land has been restricted in other ways, as I will point out later.

Although the Mexican Revolution in general and Article 27 in particular opened the possibility for land distribution and the end of large landholdings, in most cases, Indigenous communities continued to live as before. Ironically, when land distribution occurred some regions and some people, who had become loyal to the post-revolutionary state, were privileged over others. As García de León (2002: 43) observes, the complexity of the land issue in Chiapas is related to additional factors such as the permanency of unjust ethnic divisions and political structures, the continuity of large stake-holders and a colonial ideology, and the existence of pre-capitalist relations of productions and power that persisted because of the consolidation of a corporatist state.

The consolidation of a modern Mexican state was aimed at pacifying and integrating the different regional powers that had emerged during the revolution.

Ironically, this process became synonymous with the dominance of a single party: the Institutional Revolutionary Party (PRI), whose legitimacy depended on the integration of the mass population into a nationalist model of development, which incorporated individuals and groups into corporatist organisations loyal to the state. Through fraud, manipulation or the establishment of clientelist relationships, the PRI managed to have a strong presence in Mexico's national territory and to control the municipal, state and federal governments for over 70 years in most regions of the country.

In the Highlands, Chiapas, this process started at the end of the 1930s with a series of changes that deeply affected the political organisation of Indigenous peoples. The period from 1936 to 1940 is known as the "Indians' revolution" because during this period, the effects of the Mexican Revolution started to be seen in the region. Such effects included the implementation of the agrarian reform, the creation of unions, and the extinction of the system of debt-servitude, peonage and share-cropping. The main objective behind these changes was to integrate Indigenous peoples into the mainstream society and to consolidate the Mexican state's presence and institutions among these peoples. However, the communities' reaction was a process of communitarian ostracism and cultural revival that separated them even more from the Mexican federation. As Rus (1995: 255) has pointed out, through the cultural revival process, Indigenous peoples from the Highlands strengthened and improved their communitarian forms of government as a response to the uncertainty created by the changes and the lack of control Indigenous peoples had outside their communities.

In order to end Indigenous communities' ostracism, the federal government created political organisations and attracted young Indigenous males, who were trained about the logic of the electoral system and the dominant party. The introduction of this new logic within the communities created deep conflicts between the old and the new generation of Tzotzil leaders over the proper forms of government to be exercised. Slowly, the young generation became the new "traditional" Indigenous ruling class allied to the *ladino* elite, integrated into the PRI and in control of the constitutional municipality. The traditional government, grounded in the Indigenous religious positions, became somehow subordinated to the constitutional municipality. In order to gain legitimacy, the new Indigenous elite adopted some of the Indigenous traditional practices and integrated them into the political structure of the constitutional municipality. Practices such as the community assembly, usually called 'plebiscite', became the mechanism to elect municipal authorities. By the 1970s, most Indigenous municipalities in the Highlands were combining the plebiscite with the national electoral system to elect their municipal authorities.

In communitarian assemblies, males elected a male through consensus and then registered him under a political party, which was usually the PRI. Since the real election took place in the assembly, registration was merely a formality to comply with the electoral system, whose results often seemed to show a high support to the PRI in Indigenous communities. In order to secure its political power, the Indigenous elite used to manipulate "traditional" practices and tradition itself in order to fight its opponents.

Indigenous people opposing the Indigenous ruling class turned to external social actors for help and protection against the Indigenous elite abuses. The entrance of the Protestant Church in the 1950s and the Catholic Church in the 1960s, particularly the liberation theology, and different political parties such as the National Action Party, contributed to the creation of a stronger opposition to the *caciques,* or ruling class. Opposition to the *caciques* became stronger and stronger as time went by making it difficult to elect authorities through the plebiscite and consensus.

By the 1960s and 1970s, more and more independent movements had started to emerge and even to consolidate their presence in several regions of the country. The Indigenous movement also started to break free from corporatist control and mobilised in favour of political democracy, land rights and cultural diversity. As Harvey (2001: 1047) posits, these struggles opened up the possibility for rethinking national identity in terms of pluri-ethnic citizenship by diminishing the centrality of the earlier ideology of a homogeneous national state. Moreover, the Indigenous movement started to articulate a discourse whose foundation was no longer land rights alone but also cultural diversity.

In Chiapas, many of the Indigenous organizations galvanized their independence into a variety of religious and political tendencies such as Maoism and liberation theology, which contributed to the politicisation of Indigenous identity. Maoist advisors contributed to the organization of several independent unions that reflected the legacy of Emiliano Zapata, while a liberation theology priest organised the First Indigenous Congress in 1974 in San Cristóbal de la Casas. Unlike other missionaries, Catholic missionaries practicing the theology of liberation actively encouraged the creation of cooperatives and the restoration of traditional practices among Indigenous communities (Eber, 1995: 223).

The Indigenous Congress consolidated the position of the Catholic diocese of San Cristóbal among the poorest Indigenous communities. The diocese became a vital instrument for these communities to express their concerns in areas such as economic exploitation, human rights violations, and the destruction of Indigenous cultures (Flores Vera, 2000: 104-105). The diocese was able to establish itself in Indigenous communities because of the training of Indigenous catechists, who built bridges between the Church and these communities by creating an Indigenous Church.

Despite the alliances created between independent Indigenous organizations, the Church and other political organizations during the 1970s and 1980s, independent peasant and indigenous organisations that questioned the imposition of municipal authorities by the PRI or that demanded land redistribution usually faced high levels of repression. Leaders were frequently incarcerated, disappeared, and tortured, not only by state apparatuses but also by Chiapas private paramilitary groups such as the White Guards, who defended large landholders' interests and colluded with the PRI.

Later on, the severe economic crisis Mexico faced in the 1980s and the international focus on the Indigenous issue opened new spaces for unexplored interactions between Indigenous communities and other social actors such as NGOs. The economic crisis also created the conditions for strengthening the relationship between Indigenous groups and the Catholic Church. The creation of this political opportunity contributed to the formation of an ethnic configuration process (Nagel and Mathew, 1993). At the centre of this process was the revival of social, political, cultural and traditional practices, which became the core of the Indigenous identity and part of a culture of resistance in Chiapas.

As argued in Chapter III, interactions between external social actors and Indigenous communities and the wider structural changes that took place in Mexico also affected Indigenous women. Nass (1993) has posited that such changes created contradictory processes that contributed both to diminish women's power in the household and also to insert them into a wider range of other women's experiences. NGOs and Churches openly started to help women to create survival strategies to face the increased monetarization of the market and, through such strategies new spaces for the creation of Indigenous women's organisations were opened (Kampwirth, 2000: 23). Although most of these experiences seemed to be based on helping women to create survival strategies rather than to construct a women citizenship by narrowing the gap between formal and real equality between genders, others argue the opposite. For example, a Sister from the Diocesan Coordination of Women expressed in an interview,

> As members of the Catholic Church we started to pay attention to women's conditions of life in the 1970s, but it was until 1976 that we started to work with Indigenous women. In this process, we have always emphasized women and men's equality before God's eyes and Indigenous women have grown up. This has been a very slow transformation but nobody can stop it. (Interviewed in San Cristóbal de las Casas, Chiapas, January 2003)

In Chiapas, Indigenous communities' processes of ethnic configuration and the culture of resistance were experienced differently by men and women and by the communities themselves. These processes were partially related to the different strategic alliances and interactions that Indigenous peoples established with the so-called civil society, understood as the sum of diverse political actors different from the state. These non-Indigenous political actors accompanied, supported and advised Indigenous communities and also contributed to insert their claims within the context of democratic struggle and human rights discourse. It has been noted that human rights are not simply entitlements based on notions of justice, but are strongly involved in the construction of Indigenous identity and the assertion to self-determination (Gledhill, 1997; Merry, 1997; Wilson, 1997). However, Indigenous peoples and communities have not passively received these discourses but, rather, have actively reconstituted them by asserting their local and collective identities (Speed, 2001: 13).

Historically, the Indigenous movement and rebellions for land rights were related to the peasant movement, which mobilized for land as a means of production. At the beginning of the 1980s, however, this relationship started to change, in part due to NGOs and other social groups' influence. As argued in Chapter II, in Mexico the active but subordinate inclusion of Indigenous peoples in the making of the Mexican national state, particularly in the post-revolutionary era, contributed to create a strong sense of belonging in the political community. This sense of belonging has both helped the Indigenous movement to build a net of solidarity with other social sectors and prevented it from creating a stronger nationalist basis for their assertion of self-determination.

The process of ethnic configuration and politicisation of Indigenous identity found a more fertile ground when the Salinas de Gortari government came to power in 1988 in the middle of a electoral fraud scandal caused by his party, the PRI. Several scholars (Díaz Polanco, 1992; Fox, 1994; Hindley, 1996; Sarmiento, 1991) have observed that Indigenous issues became very important to the government, which developed a new Indigenous policy aimed at remaking the national culture, in which Indigenous peoples would find their place as equals. The remaking of the national culture focused on developing a new relationship between the state and civil society by strengthening the latter's participation in the decision making process. The new policy translated into a program (*Programa Nacional de Solidaridad*) to fight poverty. Indigenous peoples were considered a priority for this program. Perhaps, one reason why the government created a program to fight poverty was that the Salinas de Gortari government came to power without enjoying any legitimacy, especially among the poorest sectors of the population.

As Hindley (1996: 132-33) has argued, this program and its actions spoke of overcoming poverty as a matter of justice irrespective of people's ethnicity. However, this program did not correspond to the expansion of a discourse of rights most organisations had adopted by then. Moreover, the basic assumption behind the government's actions was that rights had already been granted by the law and that the real issue was the procurement of justice. This assumption was consistent with the neo-liberal restructuring process the government was implementing to bring Mexico into the global order and economy. Believing that the philosophical issues had been solved, the Salinas de Gortari government implemented a set of reforms that would alter the legal and institutional terrain of Indigenous struggles (Harvey, 1998: 203).

The liberal reforms implemented included the privatisation of state owned industries, the end of state protections of agricultural products, and agrarian reforms. The constitutional reforms included the modification of Articles 27 and 4 of the Mexican constitution. The first one threatened the very existence of Indigenous communities as collective entities by ending the legal protection of Indigenous collective lands and transforming ejidos into individual property (Fornieles, 1996:125). According to Foley (1995:62), this constitutional change had economic purposes, for it was closely related to the implementation of the North American Free Trade Agreement (NAFTA), which required the liberalization of legal protections over communal lands. The reform to Article 4, on the other hand, for the first time made reference to the pluri-cultural nature of the Mexican society. In addition, the Mexican government ratified in 1991 the

Covenant 169 of the International Labour Organization (ILO), which defines the collective nature of Indigenous peoples and states their rights. With the ratification of this covenant, the Mexican government legitimised and approved the language of human and Indigenous rights already used by most Indigenous organisations.

The emergence of Indigenous peoples as political subjects demanding cultural recognition, and the modification of Article 4 recognizing cultural pluralism, led some scholars (Van Cott, 2000) to believe that Mexico had broken with the past and developed an "emergent multicultural model of citizenship." However, this argument overestimates the scope of constitutional changes made in the early 1990s. This emergent multicultural model of citizenship in Mexico did not go beyond a nominal recognition of Indigenous peoples. Neither territorial rights nor collective access to natural resources were granted to these communities. Constitutional changes simply represented a formal statement recognizing the differentiated existence of Indigenous peoples within the broader political community (Altamirano, 2004).

Inconsistent with its attempts to symbolically recognize Indigenous peoples, the Mexican government also responded to a call from the Spaniard government to celebrate the "V Centennial of the Discovery of the New World". The modification to Article 27 and this governmental response had an unexpected consequence. Indigenous organizations from all over the country organized a counter celebration that intersected with other initiatives beyond the national borders. In the process of organising this event, Indigenous peoples further elaborated in their discourse about Indigenous rights, including the right to self-determination. A Tzeltal leader stated:

> At the end of the eighties and beginning of the nineties so many things happened. We got so much information that in the process of assimilating them, we started to think who we are and where we wanted to go. We started to use our peoples' names, instead of being generic Indians we became Tzotzil, Tzeltal, Chol, Nahua. We started to be conscious of what makes us different from other Mexicans." (Interviewed in San Cristóbal de las Casas, Chiapas, January, 2003)

Sánchez (1999: 144) has further argued that several factors contributed to exacerbate the Indigenous identity revival: the challenges of a neo-liberal economic model, the debate around the reform of Articles 27 and 4, the many national and international encounters Indigenous organisations promoted to counteract the V Centennial, and the diffusion of the first international legal tool recognizing Indigenous rights. The V Centennial and the adoption of the ILO Covenant 169 helped to strengthen and legitimise the demands of Indigenous movement. A Tojolabal leader explained:

> Since the 1980s Indigenous organisations already talked about Indigenous collective rights and the right to self-determination. In fact we organised several meetings at the national and international levels to discuss about the contents of these rights. However, it was the charade of the V Centennial and the ILO Covenant 169, what I think, helped us to realize that what we were demanding was legitimate. Moreover, with the counter celebration of the V Centennial of the "Discovery of the Americas" we had the opportunity to meet other Indigenous organisations from all the hemisphere and realized we were all talking the same language of Indigenous rights, including the right to self-determination." (Interviewed in San Cristóbal de las Casas, Chiapas, February, 2003)

The Zapatista movement and its redefined nationalism

The emergence of the Zapatista Army has to be understood in terms of this context of complex changes such as the counter celebration of the V Centennial, the diffusion of important international legal tools, the constitutional reforms, and neo-liberal adjustments. On January 1st, 1994, the day NAFTA was implemented, the Zapatista Army of National Liberation appeared in the political arena. Much has been written trying to explain the Zapatista uprising in terms of a variety of factors including political authoritarianism, economic inequality, globalization, and Indigenous identity. Focusing on its political and cultural content, some argue that the Zapatista movement was an Indigenous rebellion (Soriano, 1994; Morquecho, 1994; Lloyd and Pérez, 1994). Other argue that the Zapatista was a movement for constitutional democracy and social reforms (Castañeda, 1995; Fox, 1994). Those who focused on its economic characteristics called the Zapatista movement a "peasant movement" (Collier, 1994) and also a "rebellion against the global strategy of accumulation" (Harvey, 1994). Although initially little attention was paid to the amount of Indigenous women combatants within the Zapatista Army, some scholars later studied the gender dimension of this movement and argued that the movement was also a women's rebellion (Kampwirth, 2000; Ross, 1995). However, not many attempts have been made to analyse this Indigenous movement and its base communities of support from a nationalist perspective. Although initially, the Zapatistas appealed to the whole Mexican population by demanding democracy, social justice and human rights, they later characterized themselves as an army made up of different Indigenous groups such as Tzotzil, Tzeltal, Chol and Tojolabal, who demanded the recognition of Indigenous rights.

As Wilson (1997) has noted, the discourse on human rights has emerged as one of the most important political discourses accepted by most governments. At the same time, this discourse also helps local groups and organizations in asserting their identities while struggling and negotiating with states. Ever since it began, the Zapatista Army along with its base communities of support has used human rights as its primary line of defense against the Mexican state, and this defense has remained a source of empowerment for these peoples, including Indigenous women.

Through the language of human rights, the Zapatista Army, its ethnically differentiated peoples and other Indigenous organizations and communities supporting the movement have asserted their right to self-determination. Through this rhetoric, Indigenous identity and culture are essentialised and represented as timeless in order to achieve the political goal of establishing rights to a particular territory (Nash, 2001: 261). Since nations are contingent rather than a universal need, new nations require narratives of ancient pasts and roots. Thus, national narratives play a central role in organising the national experience by invoking a unique and ancient past. National identity is built upon perceptions rather than upon facts. As nations are perceived to be timeless or eternal, they are built upon perceptions of facts and not on facts themselves (Connor, 2004: 45).

Indigenous peoples claim their nation or people status within a national state. In this process, they assert themselves as "prior nations," "original inhabitants," or "original peoples" with historical rights to the homeland and self-government rights, which distinguish them from any other minority group. As a construct, Indigenous nationalism is an integral part of the creation of an Indigenous national identity that asserts its right to self-determination. The construction and representation of a "we" and the assertion to self-determination is, thus, closely linked to territory, or the notion of homeland as a geographic strategy that connects society and space (Penrose, 2002: 279).

As the original inhabitants, Indigenous peoples have developed a sense of attachment to a particular territory and a sense of belonging through the recognition of cultural signs of simlarity such as the language, religion, myths of origin and traditions deeply rooted in the immemorial past. Thus, how can Indigenous peoples with different cultural backgrounds claim self-determination? Can all of them be considered a unified nationalist movement?

Stephen (1996: 15-16) argues that the Zapatista movement is an Indigenous coalition of many different ethnic groups guided by a "redefined Mexican nationalism from below." Such a coalition includes groups that, nonetheless, are ethnically related. The different Indigenous groups (Tzotzil, Tzeltal, Tojolabal and Chol) within the Zapatista Army are all considered Mayan descendents.

The redefinition of Mexican nationalism involves the imaginative way in which the Zapatista Army has appropriated Mexican national symbols and combined them with Indigenous local traditions in order to project from below a redefined nationalism. This model of nationalism projected from below and infused with Indigenous local traditions, Stephen continues, has permitted a conjectural coalition of a diverse Indigenous population.

Moreover, with the redefinition of the Mexican nationalism, the Zapatista movement can locate itself within a mobile field of political and cultural discourse that, on the one hand, allows the assertion of Indigenous self-determination and, on the other, the construction of alliances and political unity with the non-Indigenous social sectors of the Mexican population. From this perspective, the Zapatistas articulate a nationalist rhetoric that is oriented towards inclusion and towards building a "world where everybody fits."

As a nationalist movement that locates itself within a mobile political and cultural discourse, the Zapatista movement has pushed for a vision of the Mexican political community in which the civil society and Indigenous peoples are the founding pillars. In 1994, for example, the Zapatistas organized the National Democratic Convention (*Convencion Nacional Democratica*). Political parties, NGOs, Indigenous organisations, academics and social organisations were invited to discuss the nature and configuration of a new political community and a new constitution strongly grounded in popular sovereignty and the recognition of Indigenous peoples as differentiated peoples (Comité Clandestino Revolucionario Indígena-Comandancia General del Ejército Zapatista de

Liberación Nacional, 1994). The convention itself was held within a Zapatista community that had been renamed "Aguascalientes". The renaming of this community was another expression of the Zapatistas' redefined nationalist model. Aguascalientes is the name of the city where the congress that created the Mexican constitution of 1917, which is the constitution currently in place, was held.

Moreover, by effectively using an inclusive nationalist rhetoric, the Zapatista movement galvanised a broad movement of solidarity not only at the national but also at the international level, and such support forced the Mexican government to start peace negotiations with the Zapatistas in 1994. The first negotiations tabled centred on Indigenous rights and culture. Also in the fall of 1994, several municipalities in Chiapas declared themselves de *facto* autonomous municipalities. These municipalities, as I will discuss in the last section of this chapter, represent a practical and political expression of the Zapatistas' nationalist project.

The negotiations about Indigenous rights and culture took two years. The San Andrés Accords on Indigenous Rights and Culture were finally signed in February 1996, and later translated into a bill by the Congressional Committee *Comisión de Concordia y Pacificación* (COCOPA) (Commission for Agreement and Peace), which had played an important role in the negotiation process. In November 1996, the COCOPA presented its bill to the Zapatistas and to the federal government. It is well known that the bill was accepted by the Zapatistas but rejected by the federal government, whic argued it did not reflect the original accord. The most important elements in the COCOPA initiative are,

1. Indigenous peoples have the right to self-determination, particularly their right to political autonomy.
2. Indigenous people have the right to determine their self-government and to implement their normative system while respecting women's dignity.
3. Indigenous people have the right to collectively use the land and natural resources in their traditional territories.
4. The Mexican state must create the political mechanisms and institutions intended to guarantee Indigenous rights.
5. In Indigenous municipalities and communities, people will be given the right to define, according to their traditions, mechanisms to elect their authorities and exercise their forms of government.
6. Constitutional articles 4, 18, 26, 27, 53, 73, 115 and 116 have to be modified in order to create a framework for the exercise of political autonomy (COCOPA, 1996).

Despite the strong support the Zapatistas had and the legitimacy Indigenous claims enjoyed in Mexico, the COCOPA bill was not approved. Instead, the government pushed for the approval of a very different Indigenous law, which completely changed the spirit of the San Andrés Accords[3]. The government's rejection to the COCOPA bill contributed to the Zapatista movement's radicalization and to the strengthening of the Zapatista communities' *de facto* autonomy.

Indigenous nationalism and the politics of tradition

For Mayan Indigenous peoples, as for any other Indigenous nation, land is an integral part of their worldview. The Indigenous *cosmovision,* or worldview, sees land as part of the community and identity. Carlos Lenkersdorf (1996: 22-23) has argued that for the Tojolabal culture (one of the four Mayan nations making up the Zapatista Army) is constructed around a communitarian and naturalistic understanding of life, in which animals, nature and human beings are all considered subjects. Therefore, their interactions are interactions among subjects organized around the centrality of land, which is understood as the source and sustenance of life. In the Mayan worldview, the relationship between land and subjects is, thus, the foundation of community.

However, this relationship does not mean that territoriality or the construction of land as territory or homeland is a natural, instinctive phenomenon. Rather, this worldview reflects how territoriality is a geographic expression of power. Creating a space and territory is empowering because this process allows people to harness the material and emotional potential of space. In terms of emotional power, when people create territories, they create boundaries that unite and divide space and all that it contains. In doing so, people give symbolic meaning to notions of “us” and “them” and “ours” and “theirs.” In terms of material power, territoriality transforms the resources necessary for human survival into “our” resources, which are important for “our” survival (Penrose, 2002: 280).

---

[3] See Appendix B.

More important, the continuous occupation of a territory results in the merging of people with their territory. In caring for the land, people see themselves as caring for their ancestors, themselves and future generations. In one of the annual national congresses organized by the Zapatista Army and the Indigenous National Congress, Indigenous peoples portrayed this fusion between themselves and the territory:

> We are the Indigenous peoples, we are alive and continue to honour the worthy memory of those who gave us birth to the world and with wisdom and love taught us to be Indians, to be what we are. We come from the earth, we live from corn; we are the colour of hope, the truthful brothers and sisters. We are the Indians that we are. On our name and in our word, with dignity and respect we say we are peoples. When we say we are peoples, it is because we carry in our blood, in our bodies and our skins all the history, all hope, all wisdom, culture, language and identity; all the root, the sap, the branch, the flower and the seed that our parents commended us and they sowed in our minds and hearts to never forget or lose it. We are not a sum of dispersed individuals but a lively harmony of colours. To this form of collective and harmonic existence we call communality. (Congreso Nacional Indígena, Declaración de Nurío, Nurío Michoacán, Abril de 2001)

From this perspective, the struggle for land in Chiapas is a struggle to retain, maintain and improve the conditions of life and the reproduction of Indigenous identity. The modification of Article 27 of the Mexican constitution, which allowed the privatisation of communal lands, was perceived by Indigenous peoples as an attack on both the material and emotional potential of territory. Moreover, the territory not only links with peoples' ancestors but also defines the relationships among individuals, who cannot be individually abstracted from the community. Liberty, from this perspective, can be only a collective enterprise and be achievable if the community is made of participative subjects. Accordingly, community decisions are geared towards unanimous consensus even if that means exercising strong forms of discipline among the members of a community. In Indigenous politics, the idea of "community" means that actions driven by an individual particular interests are destined to fail. Since individuals cannot be abstracted from the community, the whole goal of statecraft is to transcend individual interests and to work for the community's public good (Gossen, 1996: 532).

The relationship between land and people and between individuals and community is important for understanding how Mayan peoples represent themselves. This relationship is also central for understanding how the essentialization and the reification of culture are expressed in the context of the struggle and radicalisation of the Zapatista movement. Indigenous identity representations tend to emphasize cohesion, unity, shared values and meaning, and a monolithic vision of community, while downplaying conflict and internal divisions. As E. P. Thompson (1993: 7) argues, culture is not situated only in meanings, attitudes and values but also located within a particular equilibrium of resistance and social and power relations, which are concealed by rituals of paternalism and deference.

Neither the Zapatista movement nor its base communities of support are homogenous. As argued earlier, Indigenous communities in Chiapas have been deeply divided since before 1994, mainly in terms of party loyalties, regional power and religion. Such divisions were previously expressed through violent conflicts between communities and among members of the same communities. The Zapatista uprising provided an ideological and political framework for communities to express their conflicts and discontent. Zapatista communities adopted the ideology of Zapatismo and reformulated it into different dynamic, local versions that express the fragility of communitarian harmony and the intersection of regional and national powers in these communities (Garza Caligaris, 1999: 28).

In this context of political struggle and deep changes, people started to use culture, customary laws and tradition to construct and reconstruct communitarian power and authorities and to assert a unique identity and claim for Indigenous rights. As Lawson (2000:1279) has noted, tradition provides a basis for the assertion of particular identities and becomes a symbol of liberation from colonial and post-colonial powers.

The Indigenous discourse represents the Indigenous and the non-indigenous worlds as two separate entities and values the Indigenous world because of its origins in immemorial past (Sierra, 1997:132). As the foundation of Indigenous life and timeless memory, tradition becomes a central feature of identity and is given a normative status not only to portray uniqueness but also to impose internal cohesion. As an Indigenous authority observed: "Here we do things very differently. Tradition and custom are not the same as national laws. We solve our issues and conflicts according to our tradition, depending on people's status, age, gender and kinship (Interviewed in Chenalhó, Chiapas, February, 2003).

Through their political discourse, the Zapatista movement and its base communities of support have asserted Indigenous peoples' right to self-determination. Such assertion includes not only the right to self-government but also the recognition of Indigenous normative systems or customary law as a legal body different from the national law. Although traditional normative systems are often represented as timeless and separated from Mexico's national laws, several studies have shown that rather than reflecting only the persistence of ancient traditions, customary laws were negotiated in the context of colonialism (Collier, 1989; Sierra, 1993).

In Chiapas, Indigenous customary law and tradition are used as sources of political power. Externally, the politics of tradition has been expressed when asserting collective rights, and internally when behaviours, gender power relations, resource distribution and cohesion are imposed. At the internal, level three aspects of the politics of tradition have been the most criticised within Indigenous communities in Chiapas: religious intolerance, gender discrimination, and human rights violations. What these aspects have in common is how tradition and customary law have been politically used to punish and discriminate against members of the community based on their religious preferences, political dissidence and gender identity. The next section focuses on how normative systems have been used to prevent women from exercising their rights in Chiapas.

Also a women's rebellion?

Sub Comandante Marcos, the Zapatista Army's *mestizo* spokesman, wrote in a communiqué that the first Zapatista uprising took place not in January 1994, when the world learned about the Zapatistas' existence but several months earlier, in March 1993: "That first uprising was led by Zapatista women, there were no casualties and the women won" (Subcomandante Marcos, 1994). The spokesman was referring to the internal revolt caused by the introduction of the Women's Revolutionary Law, which was not welcome by Zapatista males.

Even if *Sub Comandate Marcos* thought women were the winners in the first Zapatista uprising, the fact remains that women's demands were not well received among Zapatista males nor properly reflected in the San Andrés Accord. The Zapatista Army put Indigenous women's equality on the agenda; however, this army also legitimised essentialist representations of Indigenous tradition and customary law, a combination unlikely to favour women's aspirations.

The Women's Revolutionary Law emerged in the context of a discussion of what revolutionary laws would apply within Zapatista controlled communities. Several commissions on justice, agrarian and women's issues consulted Indigenous peoples in order to make proposals. The next step was to vote on such proposals, and if approved they would become law. When in the general assembly, Susana, a Tzotzil woman, presented the Women's law, the males started to feel nervous and to whisper to each other in surprise. When Susana finished reading the proposal, a male member of the Supreme Committee of the Zapatista Army reacted to it by commenting: “The best part is my wife does not understand Spanish”. Susana replied: “You have screwed yourself, because we are going to translate the whole thing into all Mayan languages” (Clandestine Revolutionary Indigenous Committee, 1994:96). This story reflects both the problems and ongoing struggles of women within the diverse Indigenous cultures of Mexico (Cleaver,1994: 11).

The Women’s Law asserts the right of women to participate in the armed struggle in any way they desire and according to their capacities. As well, women are entitled to become top officials. This law also protects the right to work and receive a just salary whenever applicable; the right to decide the number of children women will have; the right to participate in the community’s decision-making process and to be in charge of religious duties; the right to priority health care; the right to education and the right to freely choose a partner. In addition, the Women’s Law also asserts that women cannot be physically or mentally abused by their family or strangers and that sexual assault will be severely punished (Rojas, 1995:22).

When the Women’s Revolutionary Law was made public in early 1994, surprise was the most common reaction. However, surprise was quickly transformed into a rich debate around women’s political participation. It is difficult here to provide a detailed account of the many round tables, conferences, meetings seminars and workshops that were held to give Indigenous and *mestiza* women the opportunity to further elaborate the original proposal put forward by

Zapatista women. The focus of this debate and political mobilisation has been an articulation of gender, women's rights and political participation. Three aspects deserve to be highlighted here: (1) although the law was about Indigenous women rights, it attracted Indigenous and non-Indigenous women to participate in the debate; (2) the discussion transcended the regional level and became a central element of the national political agenda; and (3) the law had the potential to develop a women's movement both at the regional and national levels.

Through the creation of regional and national organisations such as the Regional Women's Assembly (Asamblea Estatal de Mujeres) and the National Congress of Indigenous Women (Congreso Nacional de Mujeres Indígenas), Indigenous women started to articulate a discourse of rights that facilitated the creation of weak alliances with *mestizas*.

At the community level, the Women's Revolutionary Law also constituted a watershed for Indigenous communities. Thanks to it, women adopted a language of rights and the even the concept of autonomy to question their peoples' traditions and their consequences for women. For Indigenous women, the issue was not a matter of appealing to abstract traditions as the hard core of their peoples' identity but of acknowledging their gendered character by distinguishing between "good" and "bad" traditions. According to Indigenous women I interviewed in different Indigenous communities in the Highland, Chiapas, "bad" traditions are those practices that discriminate against them such as arranged marriages, lack of personal autonomy, lack of access to land and property and domestic violence. "Good" traditions are elements such as: language, beliefs, religious practices, the role of elders and the importance and contribution of community services.

Several studies have documented the social context in which Indigenous women's rights and political participation have been ignored or undermined and how on behalf of tradition, women's property rights have been eroded in Chiapas (Casa Chousal, 1994; Goetze, 2003; Rojas, 1997). Because of tradition, Indigenous women are sold into marriage, forced to walk behind men, and prevented from occupying religious-civic and agrarian authority positions.

Although some aspects of gender discrimination, such as the lack of access to land, were initially included in the national state laws, which used to give preference to men over women, tradition later became the basis of an argument for continuing with the practice of preventing Indigenous women from having access to land. According to several female interviewees, the right to inherit and own land is one of the most important demands for women (Interviews held in Chiapas, in different locations, January, 2003). The Women's Revolutionary Law's failure to mention this right remains one of this law's limitations. Women have notoriously participated in recovering thousands of hectares of Indigenous land for their communities; however, they are denied the right to own it even within Zapatista communities (Rojas, 1995: XI). As Indigenous women stated in a working document during the meeting for the creation of the National Indigenous Congress,

> Our rights as women have a place in the recognition of the San Andres Accords and the recognition of Indigenous autonomy,

> which must start with the individual. ... In its economic dimension, autonomy includes our right as Indigenous women to have equal access and control over the means of production. Political autonomy also supports women's basic political rights and representation. Physical autonomy means our right to decide over own body and to live without violence. Socio-cultural autonomy means our right to be recognised as Indigenous and as women at the same time. (Congreso Nacional Indigena, Mexico City, October 8-12, 1996)

Women's adoption of the concept of autonomy to reaffirm women's rights has provoked challenges. In a context of conflicts and low- intensity war, the presence of the military and paramilitaries near Indigenous communities has prevented women from exercising any form of individual autonomy. Moreover, the fear of internal divisions among the Zapatistas and the need to represent a united front have further constrained women's activism. At a community meeting, I asked a group of women: how do women currently participate in politics? The women did not respond, but a man explained:

> Yes, women now participate. Before they did not because unfortunately we learned from *ladinos* to leave our women apart. Now they have their own organisations, cooperatives and participate in the communitarian assemblies. But now it is a little difficult for them to do so, there are soldiers in many places and they rape our women, we are afraid of leaving them alone. (Somewhere in the Highland, Chiapas, January, 2003)

This comment shows that even though the Women's Revolutionary Law and the Zapatista Army opened spaces for women's political participation, women are still confronting gender hierarchies and limits to their activism. Although some Zapatistas have argued that current discriminatory practices against women are a result of cultural "contamination" from the *ladino* world, the issue is more complex. As argued in previous chapters, the relationship between nationalism and feminism is contradictory. On the one hand, nationalist movements open spaces for women's activism; on the other, these movements also limit their horizons if women's aspirations are believed to threaten the movement as a whole.

It addition, the impact of the Zapatismo and particularly the Women's Revolutionary Law has been uneven among most Indigenous women. Although a discourse of women's rights and autonomy has been adopted and although the Zapatistas insist: "Nobody is below others, nobody is behind, there is no smaller nor bigger people,"[4] women confront subordination and discrimination every day. Some Zapatista autonomous authorities admitted in a interview that women and men participate differently and unevenly in constructing political autonomy even within the Zapatista Army, where women have positions of lesser responsibilities than men. Similarly, men occupy the most important positions within the municipal authority structures and the civic-religious positions (Interviewed somewhere in San Andres, February, 2003).

The spaces for women's participation have been limited to Chiapas many new cooperatives for producing textiles and projects for producing goods. Although these cooperatives can be seen as an extension of the private sphere in which Indigenous women have traditionally been embroiderers and handcrafters, these cooperatives are also associated with wider political processes in which women become politicised. Usually, single women are the women who have enough freedom to go beyond the handcrafter role.

---

[4] This statement is part of how the Zapatista Army defines a better world and more democratic relationships.

The paradox is that right after the Zapatista uprising and during the negotiations with the federal government, the Zapatista Army and its base communities of support mobilised women to show that this movement had overwhelming support. Also, Indigenous women often confronted the military, and defended their communities, and protected the cathedral of San Cristobal de las Casas, where the Indigenous Revolutionary Committee of the Zapatista Army stayed during the negotiations with the government. However, women are seldom recognized as full partners. As argued in previous chapters, within the nationalist movements, women's efforts and contributions to political life have usually been undermined and unrecognised.

Although women's political participation is conditioned and limited in the public sphere, in other areas of social life women, especially young women are slowly challenging and transforming their peoples' traditions and customs. One of the most challenged practices is forced marriages. Currently, many Indigenous women deliberately avoid or postpone their marriages even if doing so means challenging their fathers' authority and their communities' traditions. As a Tzotzil member of a textile cooperative explained,

> One day, when I was sixteen my father came and told me there was a man who wanted to marry me. I told him, I did not want him because I did not know who the guy was and because I wanted to go to school. My father got angry and told me: women do not go to school, women obey their fathers and you will get married because I have decided it. He was already

> preparing the wedding and he had already received some gifts from that man. I was sad and angry because I saw he was serious about it. In our tradition when your father accepts gifts it means that the wedding is a fact. I waited one week and then I left my community and came to San Cristóbal. I did not have money, only some blouses that I had embroidered so the only thing that occurred to me was to come to this women's cooperative and asked for help. During 8 months I was living here in the cooperative, sleeping in this sofa, because I did not have money to rent a place. After that time I found a small room and I moved out. I have been living in San Cristobal for 5 years and working for this cooperative. I also became part of the San Cristóbal Women's Group and I have participated in several encounters and meetings on Indigenous women's rights. (Interviewed in San Cristóbal de las Casas, January, 2003).

In many Indigenous communities, women are challenging what is "traditionally" considered their destiny. These changes are mainly due to these women's responses to new political and social contexts and the discourse on rights, but also to the new information that Indigenous women are accessing. One Tzotzil woman pointed out:

> They say women do not have the right to inherit land, that when women get married they can have land through their husbands. That is what my parents told me, that is what I have heard all my life. That is what I was told to be our tradition. But I want freedom, I do not want to get married, I want equality and rights as a woman and... tradition is not going to give me that. That is why I got involved in this organisation, because we [women] do not have freedom nor equality nor rights. (Interviewed somewhere in the municipality of San Andrés Samkamch'em).

The Zapatista Army helped to make discrimination against women and women's aspirations visible and, at the same time, the Zapatistas as a nationalist movement also legitimized Indigenous traditions and practices, which are portrayed as the core of Indigenous identity. This portrayal clashes with women's different visions of tradition and women's own reformulation of personal or individual autonomy.

San Andrés: a Zapatista self-declared autonomous municipality

As stated previously, the *de facto* autonomous municipalities are one of the most important expressions of the Zapatistas nationalist project. The creation of these municipalities involves the transformation of land into territory, which is a geographic expression of power. As also argued earlier, neither the Zapatista movement nor its base communities of support, often divided in terms of party loyalties, regional power and religion, are homogeneous. The Zapatista uprising provided an outlet for some of the conflicts and discontent. The adoption and reformulation of Zapatismo into several dynamic local versions illustrates the fragility of communitarian harmony but also the creative way in which Indigenous communities coexist in spite of their differences. I will not discuss each of these local versions, but I will explore how the Zapatista model of redefined nationalism has been expressed through the creation of the autonomous municipality of San Andrés.

The municipality of San Andrés in Highland, Chiapas is where the National Dialogue on Indigenous Rights and Culture was held and where traditional authorities and constitutional authorities overlap. The decision to create *de facto* autonomous municipalities was a geographic strategy aimed at transforming land into territory. Through this strategy, the Zapatista movement sought to influence or control people, phenomena and social relationships by asserting and delimiting its control over a specific territory. This geographic strategy is firmly grounded in the Zapatistas' redefined nationalism, as I will show.

The *de facto* autonomous municipalities are rooted in the Indigenous right to self-determination, as stated in a binding document such as the San Andrés Accords signed by the Zapatista Army and the federal government. In addition, at the rhetorical level, the legitimacy of the autonomous municipalities also relies on a redefined nationalism that builds bridges with the national history and symbols. According to Monjardin and Rebolledo Millán (1999 : 120-121), the rebel municipalities are identified with the free municipalities that national heroes such as Emiliano Zapata and Ricardo Flores Magón fought for during the Mexican Revolution. Free municipalities signal the restoration of the local governments' ability to make decisions within its jurisdictions without interference from the state and federal governments. This ability implies recognition of municipalities as a third order of government.

In addition, the Zapatistas also assert the Mexican people's right to create their own forms of government, as Article 39 of the constitution states. Therefore, the rebel autonomous municipalities are new social spaces for constructing local power and political and social structures firmly rooted in the Mayan past. Finally, the creation of autonomous municipalities is rooted in a wider struggle for democracy and for the establishment of a new relationship between the governed people and the government. A communiqué from San Andrés Samkamch'em states,

> Albores Guillén [the state governor] says our autonomous municipality is illegal. That guy forgets that he is the one illegitimate because nobody elected him as governor. The self-appointed governor of Chiapas Albores Guillén has been imposed by those in power as it has been in the past. It has not been the people who have chosen them. (Comunicado del Municipio Autónomo de San Andrés Samkamch'em de los Pobres, April 13, 1998).

San Andrés Larráinzar, as the new autonomous municipality used to be called, or San Andrés Sakamch'em de los Pobres, as the Zapatistas renamed it, is located in Highlands Chiapas, north-west of San Cristóbal de las Casas. Its size is approximately 171.04 km² and around 76.8% of its population is Tzotzil. This municipality was created at the end of the Mexican Revolution in 1915, but although this region became a municipality, the Tzotzil continued to practice their traditional forms of governance, in which the most important authorities were the *principales* elected among the patrilineal family chiefs. The government positions, according to the Tzotzil, were sacred, and only those who had served the community for several years could aspire to occupy such positions (Henríquez Arellano, 2000: 30).

As argued previously, the consolidation of the Mexican state corporativism introduced deep changes into the political life of this people by imposing an Indigenous ruling class and the party system and subordinating traditional forms of government. The Indigenous ruling class allied with the *ladino* elite and the PRI consolidated its political position by abusing power and resources and using a politics of tradition to fight religious and political pluralism and dissidence. Therefore, it is not surprising that some opponents decided to join the Zapatista

Army in the early 1980s when it started to get organised. As a Zapatista *miliciano* explained in interview,

> Can you imagine what it is like to live in constant fear and unprotected by your own government? The caciques just forgot who they were, they adopted others, the PRI values and beliefs and became powerful and exercised that power against us. We could not do anything, if we did we were forced to leave and abandon our houses and lands. I joined the organisation [Zapatista Army] when I was young and my son was little. We used to knock door by door and ask people to join us. We use to say: 'Look at how you live, look at your house, your food. Not everybody lives like that, have you seen the houses in Jovel [San Cristobal de las Casas]? This is what the government does to us.' People used to say, yes, that is true. (Interviewed somewhere in san Andres, January 2003)

The Zapatista Army became a space for dealing with Indigenous frustration, marginalization, poverty and exclusion. This movement deeply modified the political life of the Indigenous community and its visions regarding its place within the national community, the federation, and the electoral process, as I will show.

As a country, Mexico experienced deep changes during the 1990s, and Chiapas was deeply affected by these transformations. One of the major changes was the extinction of a single dominant party system and the emergence of several political parties such as the Democratic Revolution Party (PRD), the Labour Party (PT), and the Green Party (PVEM) in addition to the PAN, which had already existed. For some scholars, the emergence of a multiple party system, the end of a dominant party, and the Federal Electoral Institute's (IFE) independence from the government represented the consolidation of what has been called the “transition to democracy”, whose beginning some trace back to 1988. While most Mexicans celebrated the emergence of democracy and competitive elections, Indigenous peoples started to revalue Indigenous traditional governance practices as opposed to electoral democracy.

Some studies (Viqueira and Sonnleitner, 2000; Sonnleitner, 2001) have shown that the dichotomy electoral democracy/consensus, that commonly distinguishes between Western democratic and Indigenous governance traditions is not as clear as it is presented to be, and that Indigenous traditions have been already “contaminated” by non-Indigenous electoral and partisan practices. I argue that tradition constantly evolves, transforms and reinvents itself in order to adapt to the social environment. Thus, the issue is not a matter of measuring the extent to which “modern” practices have been incorporated into Indigenous traditions, but a matter of seeing such dichotomy as a social construction and a political resource useful to Indigenous peoples for asserting their national and unique identity.

In San Andrés, this dichotomy became very sharp in 1993 during the state elections. As they used to do, the Tzotzil people gathered together in the general assembly to elect a candidate for the municipal presidency. After they had chosen a male teacher, people were divided when the time came to choose a party to register the candidate. As usual, the *caciques* and their followers proposed that the candidate be registered as a PRI candidate. However, the majority of the population supported the PRD, one of the strongest opponents of the PRI. Finally, those who supported the PRD won.

Although an election was held, and the candidate won and formally became municipal president, neither the federal nor the state government --then under the PRI's control-- recognised the San Andrés municipal authority, arguing that the election was fraudulent. The governments' lack of recognition had severe consequences for the municipality because the public funds transferred from the estate government stopped. The municipality was then left without resources to function and to provide community services.

The emergence of the Zapatista Army in January 1994 channelled some of this disappointment and alienation with the electoral and political system into a more radical political project. Towards the end of 1994, part of the population of this municipality decided to join other Zapatista communities and declared San Andrés a *de facto* autonomous municipality. As a Tzotzil explained in an interview,

> We try to act within the electoral framework but it did not work. As soon as the people decided to be part of a party different from the PRI, the problem started. We did not get recognition nor money. We had to find our own way to make this [government] work. ... Through the decision to become an autonomous municipality we are defining our own spaces where we can carry out our social and political customs as we think it fits. ... Without a [federal and state] government that never took us into account interfering in our business only for their own benefits. (Interviewed somewhere in San Andres, January 2003).

The decision to become an autonomous municipality split the municipality in two: one side became autonomous and supporters of the Zapatistas, and the other became a constitutional municipality loyal to the PRI, legally recognized by both federal and state governments and organized according to the electoral system. The division of this municipality into two, one autonomous and one constitutional, caused during the first years, many conflicts and violent confrontations between the Zapatistas and the PRI's supporters. Such conflicts were, in part, promoted by the PRI to suppress the autonomist movement and to recover control over the municipality. Zapatista Tzotzil women, men and even children required a great deal of patience, courage and determination to defend the autonomous municipal government building and the government from the PRI supporters' aggression. Eventually, these two municipalities accepted each other's existence and created new forms of social interaction and coexistence. The two municipal governments now occupy two different buildings separated only by a small square. These municipalities have their own governments, but the communities and people are not physically divided. The supporters of each municipality comply with and adopt the rules of each municipal government, and when issues overlap both governments deal together with them and reach an agreement.[5]

---

[5] Several examples could be provided to show how these two municipal governments coexist and negotiate. Someone in San Andrés told me the following anecdote. In Highland Chiapas the weather is usually rainy and foggy, one of those foggy days, a supporter of the constitutional municipality driving a truck ran over and killed an autonomous supporter's cow. The cow's owner wanted a payment from the driver, but he argued his truck was also dented. Since these guys could not reach an agreement, they both called to their respective authorities to deal with the issue. After considering all the facts, the Zapatista and the constitutional authority decided that both the driver and the owner were to share responsibilities. Both authorities decided that in a foggy day the incident could have happened to anyone, besides the cow's owner had to assume his responsibility for not looking properly after his property. After reaching such agreement, both authorities greeted each other and left.

Unlike the constitutional municipality, the *de facto* autonomous municipality of San Andrés no longer recognises either government rules and laws or the electoral system. Instead, San Andrés' inhabitants seek to control a territory through the election of their own authorities and through Indigenous traditional practices. As argued previously, the creation of the autonomous municipalities is an expression of Zapatista nationalism, which is a redefined nationalism that affirms its sense of belonging to the country but also its difference. A local authority in the autonomous municipality of "Ernesto Che Guevara" (previously name Ocosingo) stated:

> We are and want to be part of Mexico and not a stranger to the lands that gave birth to us. We are and want to be part of the Mayan nation that many sums and moons ago saw these valleys flower. We are and want to take part in the construction of the nation [Mexico] we desire, where democracy, liberty and justice exists. We want to be equal to others, no more no less, and to be respected as Indigenous peoples (in Mora, 1998)

Although the Zapatista autonomous municipalities affirm they belong to the Mexican political community and talk of democracy and inclusion, they also affirm their difference by emphasising the centrality of tradition as the foundation of Indigenous life and identity. Indigenous rejection of the electoral system within the Zapatista communities has been seen as a rejection of democratic principles and processes that could help the Zapatistas in their struggle for political power and in their political and social conflicts (Viquerira, 2000: 12), but this argument has a number of problems. First, it undermines the extent to which the imposition of the electoral system and a dominant party in this region provoked many of the social and political conflicts. Second, it reduces democracy to competitive elections, ignoring the mistrust and political culture created in a context of deep injustices. Third, this argument reproduces the dichotomous western democracy/Indigenous traditions used in the Indigenous nationalist rhetoric. Fourth, it reduces Indigenous nationalist aspirations to the exercise of political rights. The Indigenous rejection of the electoral system actually reflects the alienation experienced by many Indigenous communities, which in a context of political radicalisation, went further by becoming part of a nationalist movement. Therefore, the creation of *de facto* autonomous municipalities cannot be reduced to the exercise of political rights, for this process is an expression of the assertion of Indigenous peoples' self-determination as recognised in the San Andres Accords. The creation of these municipalities is a geographical strategy aimed at exercising control over a defined territory and over the people living in it.

Another action related to the control of a territory and to the authoritative language of nationalism is naming. To name something, to label it and rescue it from anonymity, is to identify it, to create it. When the Zapatistas from San Andrés became autonomous, they not only rescued their municipality from anonymity and political indifference, they also created their territory by changing its name. San Andrés or "San Andres Larráinzar" as I used to be called, was reappropriated by Indigenous people when they renamed it in Tzotzil: "San Andrés Samkamch'em de los Pobres."[6]

---

[6] The naming process was implemented in the other autonomous municipalities that became "Che Guevara", "Tierra y Libertad" (Land and Freedom), and so on.

As San Andrés Samkamch'em de los Pobres was aimed at constructing a local nucleus of power that would differ from that in the Mexican political and legal system, one of the first steps was to rescue Indigenous traditional forms of government. Unlike other Zapatista autonomous municipalities, whose municipal structures combine traditional and other organizational practices inherited from political organisations, San Andrés Samkamch'em is considered to be "traditional." In San Andrés, the religious and political positions in the government intersect. The authority body is the autonomous council, which is made of the municipal president, the trustee, the *regidor* and the traditional *gobernadores,* in total 16 persons, all males.

The municipal president, the trustee, and the *regidor* are elected according to traditional customs, that is to say, in an assembly and by consensus. The other members of the council, the *gobernadores*, hold religious positions. Even though the assembly is considered to be a traditional institution in which only males participated, it has been modified as a result of the Zapatista's influence. Currently, children over 12 years, women, and men can participate and vote in the assembly. Nonetheless, only males continue to occupy authority and religious positions. Ironically, women's political mobilization is subject to manipulation. During the conflicts with the PRI, such participation was remarkable; however, women could not extend such participation into the municipal political life beyond voting. A Zapatista supporter admitted in interview:

> When we were defending the municipal building from our opponents, women were braver and stronger than men but... I do not know why they do not participate as men do in politics. I

> guess that is our tradition. (Interviewed somewhere in the municipality of San Andrés, January, 2003).

Most Tzotzil women from San Andrés Samkamch'em are organized in textile cooperatives, sometimes in openly known "Zapatista cooperatives" and sometimes in ideologically diverse ones. The main issues for most of these cooperatives are women's economic needs, health, gender issues and rights, and education. Even though most of these cooperatives favour gender equality and a gender rights discourse, gender inequalities and differences justified by tradition continue to permeate most gender relations within the communities. As a young Tzotzil woman stated:

> When it comes to show to the government [federal and state] that we are a lot and well organized or when it comes to defend our communities or our municipal building from the military or the PRI supporters men tell us: 'Women should go and participate as well'. However, when things calm down then they tell us: 'Women should respect tradition, women should obey their husbands and parents'. I want to be able to participate in politics all the time, not only when somebody else decides it for me. (Interviewed somewhere in San Andrés, February 2003).

Despite the Zapatista movement and the civil society's support for and influence on Indigenous women's activism and on the dissemination of a discourse on women's rights, Indigenous women have not been able to sustain a steady level of political participation. Although the Zapatista movement represents itself as an internally democratic movement that insists: "Nobody is below others, nobody is behind, there is no smaller nor bigger people," Indigenous political uses of tradition continue to undermine women's aspirations. Women's rights and gender issues are located in an ambivalent space where sometimes they are rhetorically adopted and emphasized and sometimes perceived as threatening tradition and established power relations. This ambivalence is also present in the relationship between Zapatism and civil society and Indigenous women and *mestizas,* as I will show in the next section.

Zapatism and civil society

The Zapatista strategy of focusing on constructing the power of civil society has been one of the most debated features of this movement. Many scholars have pointed out that this feature is a battle over hegemony rather than a war of movement (Machuca, 1998; Gilbreth and Otero, 1999, Vergara Camus, 2001). The emphasis the Zapatista movement has put on the power of civil society has been considered an important difference between the Zapatista Army and other guerrilla movements in Latin America. For the latter, the emphasis was, rather, on state power and taking control over the state. Some analysts have rightly argued that this difference also indicates an emphasis on the politics of identity as opposed to the politics of class (Bruhn, 1999: 123). As well, the centrality of civil society for the Zapatistas also responds, on the one hand, to the need to revalue those alliances made with other social actors that have, for several decades, accompanied Indigenous communities' political processes and resistance. On the other, civil society is seen as the place to initiate a bottom-up democratic change.

By emphasising the power of civil society, the Zapatista Army displaced the existing "locus" of power. Instead of recognising state power, this movement locates power within civil society or people. The Zapatistas do not pretend to take power but, rather, to exercise it as an expression of people's sovereignty. Therefore, Indigenous self-government and the *de facto* autonomous municipalities can be seen as the result of civil society building and exercising a power different from that of the state. In other words, Indigenous peoples are considered to be part of civil society and, as such, they can exercise autonomous power while, at the same time, they are also part of a broader community that includes the NGOs, part of the Catholic Church and social organisations.[7] To Indigenous communities, becoming part of the civil society has meant the adoption of organisational practices from non-Indigenous organisations. These practices both enhance their political capabilities and diminish or transform their traditional practices.

In the Second Declaration of the Lancondona Jungle, the Zapatista Army called on the civil society, understood as "all Indigenous peoples, housekeepers, workers, peasants, academics, and so on", to get organised and build a new national project. For many Indigenous communities, becoming an "organised civil society" meant supporting the Zapatista movement and the San Andres Accords and establishing links with human rights organisations and NGOs, without openly identifying themselves as 'Zapatistas'. However, the alliance between Indigenous peoples and civil society has faced several problems. NGOs and other social organizations have tended to impose their agenda on the Zapatista communities.

---

[7] The Zapatista Army started to use the concept of civil society in La Segunda Declaración de la Selva Lacandona (Second Lancandona Jungle Declaration).

A young Indigenous female activist explained:

> When we go to meetings with NGOs or other *mestizo* political organisations, it is very difficult for us to express our views, concerns and demands. Mestizos usually have more education and are not afraid of public speaking, so they are not patient with Indigenous people, who are not that good in Spanish. Besides, sometimes mestizos think they know better what is good for us without having lived what we have. (Interviewed In San Cristóbal de las Casas, January 2003.

Several examples illustrate how Indigenous communities and social organisations have converged to respond to the Zapatista calls to discuss Indigenous rights, democracy, a new national project, and the relevance of civil society in this process. Here, I will focus on how the process of becoming an organised civil society both enhanced and limited Indigenous women's political capabilities and on how the creation of the Zapatista *Caracoles* has been aimed at reducing civil society's control and influence over Zapatista communities' processes.

a) Indigenous women vis à vis hegemonic feminism

As part of its strategy of emphasising the civil society's role, the Zapatista Army convened the Chiapas Women Convention in September 1994 and invited women from different political and ethnic backgrounds to participate. The objective was to build a wider feminist movement and also to draft a document containing the most relevant women's demands, which would be presented by the Zapatistas during the negotiations for the San Andrés Accords. Indigenous women joined their voices to denounce the conditions of life in which they were living and the open racism they were facing, while focusing on the importance of the Women's Revolutionary Law. Although few in number, urban *mestizo* women monopolized the meeting and prevented Indigenous women from further expressing their views and concerns (Hernández Castillo, 2001: 224).

A year later, in 1995, another meeting was organised. This was the First National Women's Encounter, held by the National Indigenous Plural Assembly for Autonomy (ANIPA). Despite all the attempts of urban feminists to ignore the Indigenous women at this meeting, they had a stronger presence than they have had previously. Such presence was reflected in the final document, in which Indigenous women explicitly demanded their inclusion in the National Dialogue on Indigenous Rights and Culture and the recognition of their gender aspirations:

> We, the Yaqui, Mixe, Tojolabal, Nahuatl and Tlapaneca women... come from far away to speak our word in this land of Chiapas. We have talked about the violence we experience within our communities, with our husbands, the local strongmen and the military. We have talked about the discrimination we suffer as both women and Indians. We want an autonomy with women's voice, face and consciousness, in order to reconstruct the forgotten Indigenous female, half of our communities. (quoted in Margarita Gutiérrez and Nellys Palomo, 1999).

The lack of understanding between mestiza feminists and Indigenous women was evident at this and other forums. The debate on Indigenous women's rights created two polarized positions among Mexican feminists (Dominguez, 2004: 215-216).

The first position came from the "hegemonic feminists", who questioned the Zapatista movement's political tactics and strategies, including the use of violence, which was seen as male oriented, and its real intentions in supporting

Indigenous women aspirations. In addition, the hegemonic feminists also questioned Indigenous women's demands: Were these demands a rhetorical strategy initiated by the Zapatista leaders? Were these pragmatic demands oriented towards solving needs instead of empowering women? Did these demands justify women's participation in a patriarchal war? These were some of issues the hegemonic feminists raised.

The second position came from the "fieldwork feminists"[8], who emphasize the diversity of women's experiences. Basically, this position supported the Zapatista movement because it was the first revolutionary project to consider women's demands. Nevertheless, the fieldwork feminists considered these demands practical rather than empowering for women.

The hegemonic feminists emphasized women's individual rights, legalization of abortion, sexual preferences and free and voluntary maternity, among other issues seen as foreign to Indigenous women. The fieldwork feminists focused on the need to respect diversity and different work pace while contributing to create an Indigenous feminist platform. The Indigenous women's position, on the other hand, was to openly support their peoples' demand for political autonomy, including the recognition of customary law while, at the same time, to demand inclusion. In order to justify their ethnic and gender bonds,

---

[8] This particular expression of feminism refers to feminists who have worked within Chiapas Indigenous communities for a long time and claim to have a better understanding of Indigenous women's processes and have witness the deconstruction and reconstruction of Indigenous women identities.

Indigenous women have articulated a discourse of "good" and "bad" traditions and the strength of agency to change the bad ones.

However, this discourse has been used by those who oppose the Indigenous movement. These people oppose the recognition of Indigenous political autonomy and customary laws because, according to them, such recognition would make women's discrimination worse. To this claim, Indigenous women have responded that gender discrimination is not exclusive to Indigenous communities, but exists within all of society. A female Indigenous CNI representative, who address the Mexican Congress in March 2001, stated,

> The issue of customary law and its negative effect on Indigenous women has been too emphasised, but we think it is not exclusive to our communities. Gender discrimination exists in civil society as well. You [to the Congress] only talk about this to reject the San Andres Accords and Indigenous autonomy. ...We are told that tradition is against peoples' life, but you always remark what is bad about our tradition, why you do not list the good ones too? (in La Jornada, April 29, 2001)

Indigenous women's rights and aspirations have not been easy to defend. These women have expressed their frustration with an Indigenous movement that does not acknowledge its sexism and continues to use a politics of tradition to justify gender discrimination; with hegemonic feminism which does not understand Indigenous women's ethnic bonds; and the government and some sectors of the society that have used the argument of gender discrimination to entirely reject Indigenous political autonomy.

Despite the Zapatistas' efforts to develop a wider women's movement in Mexico, ethnic and class cleavages continue to limit such attempts.

Bealusteguigoitia (2001: 234) argues that a hidden racism permeates the relationship between *mestiza* and Indigenous women. With the Zapatista uprising, Indigenous women, considered to be pre-modern subjects located within the realm of tradition, entered the national political arena defined in terms of a discourse and language of modernity. According to this author, one of the clearest expressions of this phenomenon is a slogan commonly used by civil society: "We all are Marcos,"[9] which implies that civil society wants to be *mestizo* and that nobody wants to be Indigenous. Therefore, to successfully enter the national political arena and to be accepted by the national mestizo civil society, Indigenous women had to be represented by *mestizo* feminists. The fact that Indigenous women demanded to be the agents of their own political change and representation was something that the hegemonic feminists could not accept. Similarly, civil society does not easily accept that Indigenous peoples can be in control of their agency and their own political change, as I will show in the last section.

Perhaps for this reason, in 2001 when the Zapatista had the historical opportunity to address the national Congress, many people were expecting *Subcomandante Marcos* to speak. However, an Indigenous female addressed the Congress:

> My name is Esther but that does not matter. I am Zapatista but that does not matter either. I am female and Indigenous that is what counts. I want to reply to those who are against the recognition of Indigenous autonomy, because it would legalize

---

[9] Subcomandante Marcos is the mestizo spokesman of the Zapatista Army and he has gained much attention both national and internationally.

> female discrimination and marginalization. I want to explain to you the situation in which we Indigenous women live in our communities, nowadays that respect for women is supposedly guaranteed in the constitution. We Indigenous women, who feel the pain of giving birth, who see our children die of malnutrition, of lack of health care and other basic services. We Indigenous women suffer scorn and marginalization since we were born. Nobody takes care of us because we are girls and we have no value, many among us never went to school, our parents force us to get married and they do not care if we want to do so. We suffer family violence and we cannot make decisions, we suffer discrimination because non-Indigenous people ridicule us because of our language, our skin colour, our dress and our religions. We do not have the same opportunities men do; they have the right to make decisions and to have access to land and other resources. In this sense, we are in an unequal relation, this is life and death for us in our communities. And now you are telling us the San Andrés Accord to recognize Indigenous autonomy would marginalize us; but you know the current law already does. I am not looking for pity or help to save us, we have fought to change our traditions and we will continue to do so. We are women and we are Indigenous, at no level we are fully recognized. (EZLN, March 28, 2001).

As I have shown in this section, Indigenous women's political participation has been difficult because of both their male counterparts lack of support and also the wider women's movement's racism in Mexico. This isolation that Indigenous women experience from both the feminist movement and the Indigenous movement was reflected in the San Andrés Accords. Despite Indigenous women's demands being put on the negotiation table in the National Dialogue, Indigenous women had a limited impact on the accords signed between the Zapatista Army and the federal government in February 1996. The San Andres Accord states:

> "Indigenous peoples have the right to self-determination to apply their own normative systems in the regulations of internal conflicts, honouring individual rights, human rights, and

> especially the dignity and integrity of Indigenous women" (José Ramón Cossío, et al,1998:232).

Although this small reference to women can be considered a step forward, the government did not demonstrate a real interest in incorporating Indigenous women's demands into the San Andrés Accords. On the other hand, even though the Zapatista Army argued that women' s demands were not incorporated in a satisfactory way, the Zapatista still accepted the final accord. Although the presence of many women as combatants and as bases of support has helped to place gender issues on the Zapatista agenda, the Zapatista Army is not necessarily a feminist army. Moreover an important difference exists between the Zapatista Army and Zapatista Indigenous communities of support, for these communities have adopted Zapatismo but reformulated it according their own social experience, traditions, power and gender relations.

b) Zapatista *Caracoles*

The uneasy relationship between Indigenous Zapatistas and civil society has been expressed not only within the women's movement. In different contexts, particular groups from civil society have attempted to monopolise the Zapatista Army's representation in both the national and international arena, to control who has access the Zapatista Army and communities and to define the Indigenous peoples' political agenda. These attempts have also created differences and divisions among the autonomous municipalities. While some of them have been favoured with resources, others have been ignored.

The differences and division among the autonomous municipalities is also related to the diversity of expression based on the municipalities' internal political, cultural and social circumstances. This diversity has made the Zapatista movement vulnerable. The diversity of Zapatismo expressions, the need to control the relationships between Zapatista communities and the outside world, to unify the movement and to institutionalise the Zapatista nationalist project are among the reasons for the creation of the so-called Zapatista *Caracoles* (Snails*)*. To Zapatistas, "caracoles" or snails are symbols from ancient times. Mayan ancestors highly appreciated the snail because "it represents the entrance to the heart and knowledge. It also represents what comes out of the heart when one walks in the world. The snail to Mayan ancestors represented the collectivity, which acted with only one heart after words came from everybody, after everybody as a whole had reached an agreement. The snail helped our ancestors to listen to even the most distant words" (EZLN, 2003).

In a series of communiqués written between July and August 2003, the Zapatista Army defined its new strategy. To the Zapatista Army, the Mexican political elite, the political parties, the Senate and the national Congress had betrayed the hopes of "millions of peoples" when they rejected the implementation of the San Andrés Accords and supported the approval of a new Indigenous law, which totally ignores the spirit of the Accords. As part of its new strategy, the Zapatista Army ended its relationship and any possibility of dialogue with the government and the political parties. According to the Zapatistas, Indigenous peoples understood that neither political participation through the electoral system nor negotiations with government were mechanisms to gaining human rights and, particularly, Indigenous rights. Thus, for Indigenous peoples, resistance and rebellion were the only viable strategy (EZLN, 2003).

To the Zapatista Army, resistance and rebellion mean the right to a political praxis and to create alternative political powers expressed through the de facto implementation of the San Andres Accords within Zapatista territory. In other words, through resistance and rebellion, the Zapatistas are extending their geographic strategy of transforming land into territory. As argued previously, with this strategy, the Zapatista movement seeks to influence and control people, phenomena, and social relationships by asserting and delimiting its control over a specific territory.

In doing so, the Zapatista Army made a critical assessment of its dependent and uneven relationship with civil society, particularly those NGOs and organisations that had been close to the Zapatistas. This relationship had caused Indigenous communities' dependency on financial assistance and economic- development projects promoted by some NGOs or groups from the civil society. These groups had used this dependency to impose a political agenda on the Zapatista movement and communities. Therefore, the creation of the Caracoles can be seen as an important effort to consolidate, institutionalise and, deepen the regional autonomic process within the Zapatista-controlled area, while rejecting NGOs' paternalism and preventing corruption. Moreover, with the implementation of this strategy, the Zapatista Army ceded its power to the Caracoles by becoming subordinated to the non-armed authorities.

The 32 Zapatista autonomous municipalities were grouped into five Caracoles: Caracol La Realidad, Caracol de Morelia, Caracol de la Garrucha, Caracol de Roberto Barrios and Caracol Oventic, where San Andrés Sankamch'em de los Pobres is located. The Caracoles are regional councils of good governance formed by one to two delegates of each autonomous municipality of the region and have the following responsibilities: (1) To contribute to the even development of the autonomous municipalities; (2) To mediate conflicts among communities; (3) To protect human rights; (4) To help communitarian tasks and projects by evenly channelling any financial support from civil society; (5) To promote and improve the autonomous municipalities' participation in outside events; (6) To establish relationships with the international and national civil society; (7) To charge a 10% tax on financial assistance given to particular municipality and to give that 10% to a municipality that did not get any support; (8) To consolidate the Zapatista radio station: Radio Insurgente. Voz del EZLN. The autonomous municipalities' governments, on the other hand, continue to exercise power in jurisdictions such as justice, community health, education, housing, land distribution, work, trade, culture, information, and local transit and roads (Castro Soto, 2003).

The reaction to the creation of the Caracoles was diverse. To some people, this initiative is historical because with the creation of the Caracoles, the Zapatistas have institutionalised their cultural, economic, social and political project. To some NGOs, with the creation of the Caracoles the Zapatista Army pretends to control the different Indigenous autonomic expressions and also to control civil society's participation. For most political parties, the Caracoles are unconstitutional and need to be dismantled. To other NGOs, intellectuals, and human rights activists, the Caracoles are compatible with the Mexican constitution and with the international laws such as the Covenant 169 ratified by the Mexican government in the early 1990s. To various Indigenous organisations such as the National Indigenous Congress, the Zapatista Caracoles deserve not only support but also to be extended to other regions of the country. The Mexican government's response, on the other hand, has been to acknowledge a variety of forms of governments exists and to celebrate the creation of a Zapatista non-militarised political structure. For some, the government's response was a way to minimise its political failure to stop the institutionalisation of the *de facto* autonomous municipalities.

Regardless of these contradictory reactions, the Zapatista Caracoles constitute the institutionalisation of a nationalist project that started in 1994 with the creation of the autonomous municipalities. Through this process, the Zapatistas not only deepened and consolidated their autonomic movement and their right to self-determination in Chiapas, but also separated themselves from a diverse civil society that has accompanied the political evolution of the Indigenous movement since the 1970s. This separation helped to increase Indigenous control over the Zapatista communities' political processes, to focus on the Indigenous nationalist experience rather than on a looser political agenda and to unify some governance rules within Zapatistas-controlled territory. The impact of this process on the lives of Indigenous women is, however, unknown.

Conclusions

In this chapter, I explored how the Zapatista movement in Chiapas created the opportunity to redefine a national Indigenous identity and, at the same time, opened spaces for women to challenge the essentialist construction of such an identity. I argued that the Zapatista movement and its self-declared autonomous municipalities are nationalist in nature. However, historical and sociopolitical factors have conditioned the nature of such an Indigenous nationalist project, which had to represent itself as inclusive and as projected from below.

As I have shown, the Zapatista nationalist movement has attempted to develop an inclusive and wider movement with the so-called civil society by making democratic, Indigenous and gender demands at the same time. Nonetheless, the articulation of Indigenous demands based on a collective identity and tradition, civil society's demands based on modernity, and gender issues that fit neither within tradition nor the hegemonic feminism made achieving inclusiveness a difficult task. Moreover, the articulation of Indigenous and civil society's demands resulted in a battle for political hegemony. In this conflict, Indigenous peoples have struggled to remain central political actors while Indigenous women have struggled to end their isolation from a male dominated Indigenous movement and a dominant feminist movement.

As an Indigenous nationalist movement, the Zapatista movement has translated its political process into a familiar language of nationalism in which gender and tradition are highly implicated. In its attempt to call upon civil society, the Zapatista movement has used a language of modernity and democracy to portray itself as an inclusive movement that supports Indigenous women's demands and aspirations. Nonetheless, such inclusiveness has clashed with the Indigenous nationalist constructs, which are gendered constructs over tradition, culture and symbols and, with civil society, for whom the Zapatista movement is not "modern" enough.

Mexico's strong sense of *mestizo* nationalism, which tends to undermine Indigenous nationalist aspirations, is expressed in the asymmetry of power relations that exist between *mestizos* and Indigenous peoples. Zapatista Indigenous nationalism has attempted to represent an Indigenous national identity that claims both mestizo symbols and Indigenous traditions by locating itself within civil society, an amorphous entity in which all identities are possible. However, in practice, the Indigenous nationalist project also expresses a rejection of such mestizo symbols, culture and the overwhelming power of Mexican civil society. This rejection has led to a careful separation of the Indigenous autonomic movement in Chiapas from civil society in order to control the context in which the Zapatista political, social and economic project is grounded and institutionalized. Similarly, the Indigenous women's movement has also failed to build bridges with mestiza women, who continue to see themselves as part of the hegemonic culture and modernity, and to perceive Indigenous women as pre-modern subjects that, nonetheless, demand to speak for themselves. However, Indigenous women remain vulnerable before a male centred Indigenous Zapatista movement and the feminist movement that does not acknowledge Indigenous women's ethnic bonds.

Chapter V Nisga'a territoriality, women, and the backward look

Introduction

Territory is significant in nationalist thought, especially regarding the national state's sovereignty. Nationalism is an ideology merging different views of territory through a geographical strategy connecting society with space. Through this strategy, land or territory comprises the fundamental substance for human survival as well as material and emotional power. Thus, territoriality is a geographical expression of power involving space and social transformation. In this sense, space or territory is both a product and producer of social relations.

In this chapter, I explore the importance of space/territory in the constitution of Nisga'a nationalism. I argue that its construction is based upon two latent values of territory-- space and material power-- in relation not only to the Euro-Canadian society but also to other Indigenous groups with whom the Nisga'a competed for land and resources. In order to advance their territorial claim, Nisga'a leaders represented a nation with modern and traditional faces, in which men were identified with the former while women with the later. While male leaders successfully became the political intermediaries between the Nisga'a population and the Canadian state, Nisga'a women have been erased from the political landscape. The Nisga'a's long journey toward self-government and land claims settlement had three main stages: the first stage began with the constitution and political activity of the Land Committee in 1907; the second stage started with the emergence of the Nisga'a Tribal Council in 1955 and, the third stage began after the Calder case ruling in 1973.

First, I will discuss the historical roots of the Nisga'a land movement and construction of a nationalist ideology. Second, I will explore the creation of the Nisga'a tribal Council and the Calder Case. Third, I will discuss the nature of territoriality and its influence on competing territorial claims. Fourth, I will explore the relationship between Nisga'a nationalism and the Church. Fifth, I will discuss the relationship between women and tradition. Sixth, I will elaborate on the Nisga'a Final Agreement and its conflicting aspects. Seventh, I will explore the role of tradition and gender in Nisga'a contemporary politics. In addition to a literature review, this chapter uses data obtained from interviews conducted in Summer 2004 with women and Indigenous leaders, primary documents such as communiqués, declarations and speeches, and other sources.

The Nisga'a and the land movement

The northwest coast of North America was home to several highly structured Indigenous societies with distinctive politics based on rank, status, lineage and hierarchy. Among the coastal peoples were the Nisga'a, who call themselves "the people of the Lisims", or the Nass, and live in the valley known as *Ts'ak'hl* Nisga'a or the "common bowl".[1] Prior to the arrival of the European settlers, the coastal people had been territorially dispersed and hierarchically organized into clans and ranks according to ancestors. Although geographically dispersed, such communities were linked by marriage and by elaborate networks of local and extended lineages that wove complex identities embodying multiple status asymmetries (Saunders, 1997: 139). Thus, the Nisga'a were and are characterized by their highly complicated social and economic organization based upon four clans, symbolized by the eagle, wolf, killer whale and raven. As part of its political organization, Nisga'a society had clearly defined, permanent and inherited political leadership positions. Nisga'a were divided into three classes: chiefs, commoners and slaves. Each class had particular social, economic and political roles.

---

[1] See map of the Nass Valley.

The concept of 'property' was extremely important to most coastal peoples. Each house or 'wilp', the basic economic and social unit, possessed lands for settlement purposes, hunting, and food gathering. The house chiefs inherited their positions and the resources involved with them through their mothers' side, so the Nisga'a were a matrilineal society. The certainty of inheritance allowed the future leaders to be known and prepared from childhood and contributed to the strength of the clan. Potlatches and feasts, as repositories of legal authority, provided the forum where hereditary status and the property and resource rights associated with it were validated and confirmed.[2]

The earliest contact between coastal Native peoples and Europeans occurred around the 1780s. The Nass River, the site where Indigenous peoples gathered to fish, trade and produce oolichan[3] oil, later became the site for the intense trading of sea otter with Europeans. From 1785 to 1825, a profitable fur trade flourished in which both men and women were actively engaged. Women's participation in the fur trade has not been abundantly explored, but this role was as important as men's and was a continuation of their traditional roles, which included their participation in the exchange of trade goods in the pre-contact period, as I will show later.

---

[2] The extensive literature on the potlatch includes Homer G. Barnett. 1938. "The Nature of the Potlatch" , in *American Anthropoogist* 40. Helen Codere. 1966. *Fighting with Property: a Study of Kwakiutl Potlatching and Warfare*, 1792-1930, Seatle: University of Washington Press.

Both the British and the Spaniards competed to own the northwest coast of North America and to control the fur trade in the region, but this competition did not mean anything to the peoples living there. In fact, when trading sea otter, Indigenous peoples took advantage of the whites' competition. However, at the beginning of the nineteenth century, the weakening of the Spanish Crown helped the British to control first the fur trade and later the territories. The Hudson Bay Company was granted a monopoly over coastal trade until 1849 when the British Crown established the new colony of Vancouver Island, establishing with it the Crown's territorial control in what is now British Columbia (B.C).

The history of the conflict over land and resources between the British and Native peoples in the late nineteenth century and early twentieth century is a history that engendered a legacy of symbolic and material domination based upon the imposition of legal frameworks and the rationalization of the 'vanishing Indian' and maintained in the violence of non-recognition (Mohamed, 1985).

---

[3] Oolican is also known as 'candle fish' because when dried, it is so oily that it burns like a candle.

Rights-based discourses permeated the conflict, justifying both the intervention of the British Crown and the resistance of Indigenous peoples. On the one hand, the Dominion government used law as rhetoric to legitimize control. On the other, Indigenous peoples recaptured the self-concepts and cultural roots to recreate spaces of consciousness, identity and political claims (Feldman, 2002: 34). Indigenous peoples used the rhetoric of traditional management, ownership and communal resource allocation to resist colonial penetration and intervention. As the white settlers advanced within Native territory, the land conflict crystallized around competing claims of sovereignty, authority, and the right to control resources (Inglis, 2003).

The advancement of white farmers, miners, loggers, fishermen and, particularly, the prospectors driving the gold rush put pressure on Indigenous lands. In order to deal with this situation, the British created a new colony named 'British Columbia' in the mainland, which was administered by James Douglas, the governor appointed by the British Colonial office. For several years, the British government and the elected Assembly continued with their policy of acknowledging Aboriginal title while encouraging settlement in these territories. In order to attract settlers into the island and the interior lands, the British government instructed the governor to implement a policy already used in other parts of the Dominion: the use of treaties to extinguish Indigenous land title. Although Douglas implicitly recognized Aboriginal title, he made treaties in only a very small portion of B.C. In the remaining area, he initiated a policy of creating small Indigenous reserves without properly extinguishing Indigenous land title.

The new reserve system was entrusted to both Protestant and Catholic missionaries, whose task was to disseminate Christianity and contribute to implementing colonial laws. In addition, a policy of pre-emption was implemented. According to Tenant (1990: 35), the formulation of these policies and the lack of formal treaties during Douglas' administration show that the governor was convinced that the Indigenous peoples would be assimilated, so making treaties was unnecessary.

After Douglas' retirement in 1864, Indigenous policy changed, and the de facto acknowledgement of Indigenous land title was largely ignored. The new policy was permeated with racism, a fact that became particularly clear after the union of B.C. with the Canadian Confederation in 1871. Although the Indian Act stated that Indian affairs were the federal government's responsibility, Indigenous lands were under provincial jurisdiction. The settlers' interests became the priority of the civil servants in B.C. for whom Indigenous peoples were "uncivilized savages, lawless, lazy and ugly people" (Fisher, 1977: 161).

The new doctrine regarding the land question in B. C. was that Indigenous peoples were uncivilized peoples unable to comprehend the concept of land title. For the government and most white settlers, the province was an empty land without society and laws. For example, one of the policy makers of the time explained, "The title of the Indians in the fee of public lands, or any portion thereof, has never been acknowledge by the Government, but, on the contrary, is distinctly denied" (in Tenant, 1990: 39).

Why was the Indigenous policy implemented in B.C. dramatically different from the Indigenous policies of the rest of the Confederation? Several possible factors can be identified. First, unlike in the eastern regions of the Confederation, in the northwest coast the British did not face significant competition, so they did not need Indigenous allies. Although Spain made several attempts to establish ownership in Nootka Sound and Vancouver Island, the decline of the Spanish empire prevented it from competing with the British Crown. Second, the white settlers and government officials' new doctrine denying the existence of Indigenous title influenced provincial policies. Third, the coastal region was not a colony characterized by settlement but mainly by exploitation of natural resources. In fact, the creation of the reserve system in the 1880s coincided with the appearance of the first salmon canneries in the area. Their opening required the expropriation of Indigenous fishing grounds (Raunet,1984 :114).

The land question in B.C. entered a new stage when this province joined the Confederation. A key element was the dispossession of land through the creation of Indian agencies and reserves. Domination relied on an ordering of the colonial system in which Indigenous land and resources were allocated, delimited and administered. Nevertheless, in B.C. this new period was shaped by the conflicting interests of the provincial and the Dominion government. Tenant (1990: 44) argues that no clear communication developed between Canada and B.C. regarding the extinction of Indigenous land title. Initially, Canada assumed that B.C. had made treaties to extinguish titles and that reserves had been created on the basis of 80 acres per Native family as in other parts of the

Confederation. However, the provincial government had decided to create reserves according to the "local situation and needs"; thus, reserves were reduced to 25 acres and, later on, to an even smaller acreage. The *Report of the Government of British Columbia on the Subject of Indian Reserves* (1877) stated:

> It may be broadly stated that uniformity of acreage in the Reserves is practically impossible in this country. A uniform acreage that might appear desirable and just in Ontario, where there is abundance of good agricultural land would, if adopted here, be fraught to the Province at large.

Although the British North American Act gave the federal government exclusive authority over "Indian affairs," this government had no power except disallowance to force the province to acknowledge Indigenous title. Moreover, using disallowance power on behalf of Indigenous peoples would have resulted in the loss of white voters' support. In fact, whenever a conflict between Native peoples and white people arose, the federal government favoured the white people.

The Indigenous peoples did not passively accept government policies but protested against them. One of the first organized actions was the 'Indian petition' of 1874, which was related to the acreage allotted to Indigenous families. In response, the government once again favoured whites' increased interests in the region. As noted earlier, the opening of the fishing canneries put pressure on the government to expropriate Indigenous fishing grounds, which added even more tension to the land question. The federal government initially introduced a regulation restricting the use of nets on fresh waters and later forbidding the sale of salmon caught by Natives using traditional methods.

The land question and the resources involved in it, particularly fish, were shaped by conflicting and competing legal cultures. On the one hand, Indigenous peoples used the land and fished according to their customary legal frameworks, which allowed certain activities and proscribed others, permitting one group to catch fish at one place at certain times and using a particular technology. On the other, the Dominion government perceived and represented the fishery as an open-access space that needed to be regulated. As salmon was an extremely important resource for the coastal peoples, the imposed regulations represented an attack on Indigenous economic independence and social reproduction.

As Harris (2001) notes, the imposition of Canadian law on B.C. Indigenous peoples' resources, particularly fish, created and defined a fishery with a collection of rights of use and exclusion that marginalized Indigenous peoples. Similarly, Newell (1993) in her study shows that after Confederation, what she terms "the politics of resource regulation" was built upon salmon-stock conservation, which became a burden that consistently felt most heavily upon the Native fishery.

As the colonial pursuit of western knowledge and natural resources restructured the flow of life and competitive trade relations, the internal relations of Indigenous peoples experienced abrupt changes as well. Indigenous peoples not only competed with Europeans for goods but also among themselves

(Saunders, 1997: 148). As the performance of kinship duties and obligations was codified into the strict ranking system required by accumulation, in order to maintain such a system Indigenous peoples were forced to participate in the colonial economy.

Colonial ideologies and authorities correctly diagnosed Indigenous genealogies and ceremonial enactments as the core resistance of the 'imperative of progress' and also to European territorial ambitions (Saunders, 1997: 140). In addition to imposing new rules over land and resources, the federal government also intervened in other aspects of "Indian affairs." In order to do so, the government began a partnership with the Christian Churches. Missionaries and federal Indian agents were the first to realize that clans and houses' chiefs opposed all efforts to convert Indigenous peoples and that such opposition was related to the land issue. Since the potlatch continued to be an extremely important mechanism for chiefs to perpetuate their authority and legitimacy among their peoples and to oppose the Churches' actions, one expression of the federal government's control over Indigenous life was the suppression of this and other traditional practices such as matrilineal inheritance, customary marriage ceremonies, and the use of Indigenous personal names.

To Indian agents, coastal peoples represented a greater challenge to civilization and advancement than interior peoples. If civilization was to succeed, traditional practices had to be dismantled. The Potlatch Law passed in 1884 became a very negative experience for the coastal Indigenous peoples who mobilized to oppose it. Following the ban on the potlatch, Native peoples lost the ability to govern resource allocation. As resource allocation was central to coastal peoples' social organization, the prohibition of the potlatch created and accentuated divisions within Native society (Harris, 2001:6). According to La Violette (1973: 99), the Potlatch Law helped to exacerbate a general sense of injustice among the coastal peoples, because this law was aimed at eliminating a crucial element of their social, political and economic organization.

Prior to 1887, Indigenous peoples had already mobilized against the provincial policies on the land question, so the ban on the potlatch and the reduction of already limited Indigenous lands fueled discontent and rivalry among coastal peoples such as the Nisga'as and the Tsimshiam over fishing rights. Traditionally, both peoples fished along the lower Nass River and competed over its resources. However, the government's allocation of reserves created some overlapping of fishing spots, exacerbating the disputes among peoples of the northwest coast and within the communities (Patterson, 1983: 47). Therefore, the potlatch ban also created a context that contributed to transform the nature of Indigenous protest. Whereas the initial concern was the acreage allotted to families, the Indigenous movement later focused on land title (La Violette, 1973: 118-19) and on making alliances.

The northwest coast Native peoples expressed their concerns regarding land title by appealing to both the federal and B.C. governments. For example, a Nisga'a delegation went to Victoria and a Tsimshiam delegation went to Ottawa to raise the issue. For years, the Nisga'a had refused to allow any Indian agent to be stationed in their territory, and by 1886, they were actively holding community meetings to discuss the land question and to organize with other Indigenous peoples to act together (Fisher, 1977: 205). As neighboring groups, coastal tribes with related cultures and languages were aware of their living conditions under white rule and were willing to act together to end such conditions. When indigenous peoples from different cultural backgrounds share a vision and are willing to act in concert, the result is "pan-Indianism." As I argued in previous chapters, the sharing of a sense of a new, broader identity is crucial to pan-Indianism. The new identity sometimes goes beyond traditional attachments and sometimes is built upon them. When traditional identities are weakened, pan-Indianism appeals to displaced individuals and gives them a new sense of identity and hope (Wallace, 1956). Sometimes the goal of pan-Indianism is religious, and sometimes it is also political.

When traditional loyalties and authorities remain intact, pan-Indianism can appeal to those with enough authority and influence to mobilize politically. Tenant (1990:69) observes that pan-Indianism of this type does not develop as a mass movement, but in the form of organizations or representations of traditional entities or authorities. B.C. coastal pan-Indianism flourished as a movement of Indigenous traditional chiefs willing to act to ensure Indigenous continuity. The "politics of survival" as Tenant (1990: 69) characterizes this form of pan-Indianism, was possible thanks to three elements. First, the reserve policies in the northwest coast did not create a significant intermixing of tribal groups. Second, despite the new political regime, Indigenous ideals and leadership among coastal people persisted. Third, Native children were less exposed to white families than the children of interior peoples.

Moreover, the nature of Indigenous society itself was central to these peoples' political response. Coastal communities' social features such as the clans and lineage remained of great importance and, in fact, provided a basis for political organization because they perpetuated social cohesion. Some of the coastal communities, such as those of the upper river Nisga'a villages, were more difficult to reach than other communities; thus, the government control was weaker in these places. Not surprisingly, political action flourished there. However, the centrality of tradition and social cohesion also helped to impose some restraints upon pan-Indian leaders when they tried to create a wider movement. On the one hand, pan-Indianism helped tribal peoples to organize under the umbrella of a wider political organization, such as the Tribal Peoples of B.C. On the other hand, tradition and social cohesion also limited the scope of the pan-Indian movement by putting forward particular tribal interests first. After all, the tribe was the fundamental unit for political action, as I will show later.

The initial pan-Indian political movement of the coastal peoples such as the Nisga'a, Tsimshiam and Salish was formed by men who were traditional leaders and had grown up in the old way, with no schooling, no English, and little knowledge of the workings of federal and provincial government. Therefore, most of these leaders depended on missionaries' advice and help. As well, the scope of this pan-Indian movement was initially limited to culturally related peoples. By the turn of the twentieth century, however, things had changed. A younger generation that had attended missionary schools and was fluent in both English and native languages displaced the older chiefs.

The emergence of a comprehensive pan-Indian movement and political cooperation beyond that merely between neighbors was, thus, possible thanks to the dissemination of English as a common language and also to the First Nations' ability to travel and communicate among themselves. As Tenant (1990: 72) has argued, an organized Indigenous movement was able to emerge at the end of the nineteenth century because of specific factors. The ability to travel enabled individual Indigenous people to earn a living by participating in the white economy. However, such participation did not mean assimilation, for Indigenous peoples' primary source of identification remained the tribal community (Knight, 1978: 33).

The fishing industry, which had displaced Indigenous peoples and taken away their resources had, ironically, direct and positive political consequences for these peoples. According to Drucker (1963: 124), some aspects of the fishing industry helped to shape coastal Indigenous political activity. First, clan chiefs and house leaders became middlemen in charge of recruiting labour among their own people. Second, English was crucial for obtaining the new positions, so younger people rather than older chiefs usually got these jobs. Most often, these middlemen would hire people from their own villages and then those hired would travel with their whole families to the new jobs. Men went to the fishing grounds while women worked on the canneries during the fishing season, which was the traditional time for coastal people to harvest food.

The new generation of chiefs inheriting important positions or acquiring leadership positions within their clans and communities were more knowledgeable about white society and government than the previous political leaders but they were also closer to the Protestant Church. Tenant (1990: 84) has observed that this new generation of leaders retained much of their tradition but also had new skills that could be considered "neo-traditionalist." Able to move between tradition and assimilation, the neo-traditionalists decided to choose tradition but to adapt it to a wider political system than had existed previously. Moreover, as I will show in later sections, these neo-traditional leaders occupied both traditional chiefly positions and also became the intermediaries between the Anglican Church and the population, legitimizing the role of the Church within Nisga'a villages.

The first modern Indigenous political action in B.C. was that of the chiefs in 1887. Their goal was to raise the land question in order to obtain recognition of their land title and to ensure some form of self-government and treaties that would enable Indigenous peoples to retain enough land and resources for self-sufficiency. However, both the federal and provincial governments refused to take the Indigenous chiefs seriously because, according to government officials, Indigenous peoples' concerns were limited to the acreage allotted. However, this misunderstanding did not discourage Nisga'a leaders.

A Nisga'a newspaper founded by Anglican missionaries in 1891 was soon being run by the Nisga'a themselves, enabling them to promote the land movement in the region (Knight, 1978: 59). In addition, the Nisga'a started holding gatherings or "revival meetings," which were held in the communities' churches and simulated simplified potlatches in which chiefs informed the participants about the land question. In 1907, the chiefs founded the Nisga'a Land Committee, which was structured to represent clans and communities and to have the chairman's position rotated annually among the four villages (Gingolx, Aiyansh, Gitwinksihlkw and Laxgalts' ap). According to Drucker (1958), the Land Committee was the first Indigenous organization created in B.C. with the purpose of dealing effectively with the white political system. Similarly, Tenant (1990: 86) argues that the Land Committee was created in order to have a political structure that was familiar to non-Indigenous politicians and the public and that would be taken more seriously than the Nisga'a traditional chiefs. The new generation of Nisga'a chiefs was concerned not only with creating a political entity familiar to white people, but also with adopting their legal tools and some cultural elements.[4] Therefore, the ability of Indigenous peoples to survive required the creation of visible entities able to confront the state administration on its own terms (Deloria, 1985).

The Land Committee was also the first Nisga'a organization to use a more elaborate nationalist discourse and white legal tools to claim territorial rights. The re-articulation of Indigenous peoples' collective identity contributed to foster a dynamic period of protest, political lobbying, community development and cultural revitalization. For example, this organization used the Royal Proclamation of 1763 to legitimize the Niaga'a land title and as the following statement that appeared in the Nisga'a newspaper the *Hak'ak'a'a* protesting the impact of white settlers in the Nass region.

---

[4] A photograph displayed in the Lisims Government Building in New Aiyansh shows members of the Land Committee wearing fashionable three-piece suits.

> ... we, the Indian peoples of the above mentioned valley, being lawful and original inhabitants and possessors of all the land contained there from time immemorial and being assured in our possession of the same by the proclamation of His Majesty, King George III, under date of 7th October, 1763.
>
> ... up to the present time, our lands have not been ceded by us to the Crown, nor in any form alienated from us by any agreement or settlement between the representatives of the Crown and ourselves.... (The Hak'ak'a'a, New Aiyansh, B.C. May 17, 1910).

The Land Committee's language is substantially different from that of the previous generation of traditional leaders, who spoke of acreage allotment. Several elements deserve to be underlined. First, this organization represented its people as the immemorial inhabitants and possessors of their territory. Second, in Indigenous political thought, the Royal Proclamation of 1763 was an important legal instrument that recognized their territorial possessions and status as nations. Third, they perceived Great Britain, the source of the proclamation and still the colonial authority over Canada, as a source to remedy the political injustice Canada was committing. Fourth, before surrendering any of their lands, the Nisga'a demanded to be recognized as a nation.

The nationalist rhetoric of the Land Committee was based upon an association of kinship and territory. Since territorial property rights in the Nisga'a nation were vested upon chiefs, such a nationalist movement was elitist. In other words, the Nisga'a land movement was not a nationalist movement of the whole people, but of the chiefs, who moved between two principles-- place and kinship-- to promote loyalty. As Eriksen (2004: 58) suggested, kinship and territoriality are powerful resources in shaping human identity.

Despite the Nisga'a leaders' mobilization, in 1908 the reserve system was still continuing along in the northwest coast. As before, the federal and provincial governments disagreed about the sizes of the existing reserves. While the Dominion government encouraged the provincial government to establish larger reserves, the provincial government refused to do so. In fact, to counteract the federal government's pressure and without providing any protection for Indigenous interests, the provincial government left the remaining portion of the northwest coast, including the Nass Valley, open to white pre-emption. This action prompted the Nisga'a to contact other coastal peoples to discuss a broad political response to the province. The coastal peoples met in Victoria in December 1909 and agreed to the creation of a pan-Indian organization, the Indians Right Association (May, 1979). Almost simultaneously, the interior Indigenous peoples formed another pan-Indian organization, the Interior Tribes of British Columbia. The Indian Rights Association was particularly important because it was able to articulate what political action the south and north coast peoples should take. As happened before, non-Indigenous politicians believed that the Indigenous political actions were driven by white people. However, as Tenant (1990: 87) observes, the simultaneous emergence of a wide pan-Indian movement and a neo-traditional generation shows that the Indigenous peoples were guiding their own actions.

The pan-Indian movement, nonetheless, failed in its efforts to present a steady collective response on behalf of all coastal Indigenous peoples. Thus, the Nisga'a Land Committee decided to act alone and to ignore both the federal and provincial government by appealing to the imperial government. According to some scholars (Sanders, 1980; Wilmer, 1993), this appeal represented the first formal international intervention made by Indigenous peoples.

Rev. Arthur E. O. Meara, the first lawyer hired by the Nisga'a, drafted what became known as the "Nisga'a Petition of 1913." In this document, the Committee reiterated three issues: the recognition of Indigenous title as stated in the Royal Proclamation, the signing of treaties, and self-government. In addition, the petition contained a declaration of Nisga'a political sovereignty and, at the same time, affirmed that British sovereignty had been accepted on the understanding that Nisga'a land would be respected according to the Royal Proclamation (May, 1979: 168-73).

Moreover, the petition defined the limits of Nisga'a territory as being far as Meziadin Lake, which the Gitksan, especially the Gitanyow, also claimed as theirs. Although the Gitksan protested, their actions had little impact (Hume, 2000: 62). The existence of territorial overlapping shows that regions and territories are the result of human agency, rather than of changeless geographical spaces.The delimitation of territory or bounding spaces suggests that territory is an act of power, which is very important in the construction of nationalism. However, as Paasi (1995: 42) notes, boundaries may be simultaneously historical, cultural, political, natural, economic and symbolic phenomena. Each of these dimensions can be used in diverging ways when constructing territory. As I will discuss later, the Nisga'a movement constructed and reconstructed this nation's territory to the extent that it was contested by other Indigenous peoples, who also claimed the same part of the same territory.

The Nisga'a Petition became a symbol of Native resistance, and the Royal Proclamation helped to reactivate the pan-Indian movement. As Tenant (1990: 90) argues, every Indigenous community saw its group as one of the "tribes of nations" recognized in this legal document. The fact that the Nisga'a claim was before the Judicial Committee of the Privy Council helped other Indigenous peoples to believe that they would achieve justice sooner or later if they acted in concert in the political arena. Most Indigenous leaders were willing to subsume their political roles within any of the major pan-Indian organizations. The Nisga'a Land Committee, however, was active not only in the Indian Rights Association but also at the local level. As mentioned previously, Nisga'a social organization and cohesion shaped much of Nisga'a politics.

Despite the Nisga'a Petition's impact on the Indigenous movement, the British government avoided dealing with such a subject and returned the petition to Canada. In response, the Canadian government modified the Indian Act in 1927 to make it illegal to press Indigenous land claims and to help in such a process. This policy contributed to the dismantling of much of the Indigenous movement of that time. Since cultural and political actions had to remain underground, most Native organizations collapsed while the Nisga'a Land Committee hibernated for several years (Raunet, 1984: 143). The anti-potlatch provision of the Indian Act was used during these years to undermine the Native movement by forbidding any "cultural festival" or "revival meetings" that attempted to disguise Indigenous peoples political actions.

New Indigenous organizations were created; however, they distanced themselves from the land question, concentrating instead on improving the conditions of Indigenous life and advocating for Indigenous fishermen's interests. One of these organizations was the Native Brotherhood of British Columbia, which had influence in the central and north coast and identified itself with Protestantism. The Native Brotherhood's opposition to residential schools soon showed the importance of religion and geography in Native politics, as I will discuss later.

Although the native Brotherhood was then a weak organization, initially the Nisga'a Land Committee did not allow its people to participate in this organization because it did not have a clear stand on the land question. The Nisga'a did not relent until 1942, when a branch of the Brotherhood was established at Greenville (now Lakalzap). Through this organization, Frank Calder entered political life when he became the secretary of the Greenville branch.

The Native Brotherhood became important to Indigenous peoples because through this organization, different peoples had the opportunity to share their experiences regarding their relationships with British Columbians of both European and Asian descent. As Gladstone and Jamieson (1950) show, the Native Brotherhood became the chief agent in collective bargaining in the fishing industry and in dealing with ethnic discrimination during the Depression era.

As a result of the federal government's legislation for the fishing industry, Indigenous peoples had difficulty adapting themselves to new regulations forbidding the use of traditional technologies and Native participation within the commercial fishing industry. Indigenous peoples not only were excluded from the organization of the industry, but received lower prices for their fish and were given less opportunities to fish than any other ethnic group. Thus, the Native Brotherhood's involvement in the fishing industry and concerns with ethnic discrimination were understandable.

In the context of the post-Second World War II period, the discourse around rights, equality, and minority protection started to be a central concern around the world. Aware of this trend, the Native Brotherhood adopted this discourse in order to address the Indigenous position in B.C. and Canada. An editorial in the first issue of the Indigenous newspaper The Native Voice stated:

> [We] will assert at the beginning the firm objectives at which we aim and hope to achieve in the not too distant future. An objective which will mean an honest guarantee of equality for the original inhabitants and the owners of Canada. In Canada (a Canada) where under the Indian Act we suffer as a minority race and as wards, or minors without a voice with regard to our own welfare. We are prisoners of a

> controlling power in our own country- a country that has stood up the chaos of two wars, beneath the guise of democracy and freedom, yet keeping slave Native people in their own homeland (Native Voice, 1946).

The framing of claims and grievances in the rhetoric of colonial subjugation provided Indigenous peoples with a language of possibility that linked international law with a counter-colonial critique that challenged the legitimacy of colonial rule along with its institutions (Feldman, 2002: 36). The expansion in the mid-twentieth century of the welfare states in settlers national states such as Canada, combined with ongoing crises related to Indigenous peoples' deprivation, health and racism fueled a new era in Indigenous resistance and politics.

As part of the major changes happening in the post-Second World War period, the B.C. legislature considered the possibility of repealing the legislation prohibiting Chinese, Japanese and Pakistani descendents to vote in provincial elections. In this context, some politicians also considered repealing the same prohibition against Indigenous peoples. The Native Brotherhood embraced the proposal, and the Nisga'a took advantage of this new forum to advance their claim. Calder successfully ran as a Co-operative Commonwealth Federation candidate in Atlin, where the Indigenous population was the majority, becoming the first Indigenous member of a provincial legislature in Canada.[5] Although Calder was a member of the Native Brotherhood, it did not support him as a candidate. Instead, this organization endorsed the Liberal-Conservative government in gratitude for the Indigenous franchise. This endorsement was an example of the uneasy relationship between the Nisga'a and the Native Brotherhood.

---

[5] Calder remained a member of the opposition until 1972, when his party, then renamed the New Democratic Party, took office, and he was appointed to the cabinet.

The Nisga'a Tribal Council and the Calder Case

The entry of Calder into the non-Indigenous political system was a direct result of the neo-traditionalist leadership, which was committed to using non-Indigenous tools, knowledge and laws in order to pursue the recognition of Indigenous land title. Calder's membership in the legislature gave him a platform to address Indigenous issues not only in B.C. but all over Canada. Moreover, with Calder, a new stage in the Nisga'a land question started, and his most pressing task was to reform the Land Committee to enable it to pursue the land claim with renewed energy. Calder's moral status among his people allowed him to unite the four clans (Raven, Wolf, Eagle and Killer Whale) and the four villages (Gingolx, Aiyansh, Gitwinksihlkw and Laxgalts' ap), which were competing among themselves for the allocation of resources and the use and occupancy of lands. As argued previously, the displacement of Indigenous institutions and ceremonies diminished Indigenous peoples' ability to govern themselves and to allocate resources. This situation had created important internal divisions among Nisga'a villages.

Therefore, the creation of the Nisga'a Tribal Council (NTC) represented an attempt to unify this people through the reconstruction of the nationalist movement. One of the key factors is that the NTC was founded as an organization of the Nisga'a people, not only of the chiefs, as the Land Committee had been. This difference meant that every member of the Nisga'a villages had a vote in the council assemblies (Interview with Joe Gosnell, New Aiyansh, July 2004). The transformation of the Nisga'a nationalist movement from a chiefs' or elitist movement into a "popular" nationalism had important implications.

First, it implied that through the nationalist ideology, the sentiments and experiences of the Nisga'a people were expropriated and transferred to an abstract and imagined community called the "Nisga'a nation." This distinct and unified constituency of people created an imaginary space in which the Nisga'a people nurtured the roots of their empowerment through self-identification and self-legitimation. Second, as the Nisga'a had a hierarchical and very stratified society, the introduction of a popular vote and the transformation of a movement of high-ranking chiefs was a major political change. Third, since colonial policing and land dispossession had produced skepticism about the Land committee's own authority among the Nisga'a, the transformation into a "popular movement" helped them to transcend their internal divisions by diminishing the antagonism among the villages and the different lineages.

Although such a transformation opened up a space for meritocracy and social mobility, class continued to play a central role in Nisga'a politics. Also, with this change, a more sophisticated use of legal and political procedures than had existed previously came into play as well as a new role for the political leadership. The new leadership was ready to play the political game and made use of Canadian institutions in order to pursue its objectives. The structure of this organization consisted of one president, several executive officers, and five vice-presidents representing the four villages and the Nisga'a living in Prince Rupert. The inclusion of urban Nisga'a was another important feature adopted by the NTC. As an interviewee stated,

> At the beginning, the Nisga'a living in the Nass did not want to include those living in Prince Rupert and Terrace, they did not want to recognize those people rights. However, those living here [in the Nass] gradually understood that it was important to take them into account, because that would make us stronger and more numerous. (Interviewed in New Aiyansh, July 2004)

Like its predecessor, the NTC also tried to establish a province-wide Indigenous movement to revive the land question and to build a common front to pursue a legal strategy. However, most Indigenous organizations refused to sponsor a proposal that revived the land question, for fear that the Nisga'a petition would jeopardize everyone's land title (Hamar, 1998:25). Moreover, the proposal was viewed with suspicion, and Calder was accused of having partisan interests (Native Voice, 1968).

As Tenant (1990: 137) has argued, the failed attempts to build a wider movement in B.C. revealed the existence of a dual pan-Indianism, which is linked to the geography of religion. The pan-Indianism of the west/central and north coasts, where Protestantism, fishing matters, and social structures such as clans and lineage were unifying elements, was characterized by more structured political organizations, stable leadership and traditional identities than the pan-Indianism of the peoples of the interior had. However, these political organizations also tended to be locally oriented. The pan-Indianism of the south and east was rooted in co-operation but lacked social features such as the clan and lineage systems, which provided political continuity and strength. The impossibility of creating an Indigenous common front regarding the land question in B.C. was one reason why the Nisga'a decided to pursue their claim by themselves, as I will show in the next section.

The Nisga'a political resurgence following the creation of the NTC was demonstrated by the unprecedented act of suing the provincial government in 1967. In 1959, convinced that the Nisga'a claim had to be tested in the courts, the NTC updated the petition of 1913. As well as emphasizing land title, the revised petition also focused on resources such as fish, timber, and minerals, which for years had been exploited by white people. As argued in previous chapters, specific places are constructed through territoriality, and this process allows people to harness the material and emotional potential of space. When people create territory, they create boundaries that both unite and divide space along with everything contained within it (Penrose, 2002: 280). The combination of people and certain resources and the separation of people and other resources through the creation of territory give physical substance and symbolic meaning to notions as "us Nisga'a" and "them Euro-Canadians," and "our" and "theirs". Through the strategy of territoriality, the NTC transformed the land and resources that were important for human survival into *Nisga'a* resources that were important for *Nisga'a* survival.

On behalf of the Nisga'a people, Calder and seven other chiefs asked the court of B.C. for a declaration regarding Aboriginal title. Since no part of their territory had been purchased by the colony of B.C., the Nisga'a claimed that they had retained the right to posses, use and occupy their territory by virtue of the Royal Proclamation of 1763.

The case known as "the Calder case" came to trial almost two years later, with the Nisga'a represented by Thomas Berger. However, the provincial government managed to convince the justices that Aboriginal title did not exist at the time of "discovery" and settlement in B.C. and that, even if it had existed, it had been extinguished by colonial legislation passed in Victoria prior to Confederation. As argued in previous chapters, governments have used several strategies when dealing with Aboriginal rights. To defeat the Nisga'a case, the provincial government used both the classic strategy of denying Indigenous rights and the theoretical acceptance of Indigenous rights and then claiming they had been historically extinguished.

In order to counteract the provincial arguments and the court's decision, the Nisga'a quickly filed an appeal in 1970, defining Indigenous land title as coming from the immemorial occupation of a territory and not from a government statute. Therefore, a government must extinguish these Aboriginal rights to get clear title to Aboriginal lands (Nisga'a Tribal Council, 1977). However, the B.C. court again rejected the Nisga'a claim by emphasizing the supremacy of colonial and provincial laws over Indian rights. The next step for the Nisga'a was to continue the fight in the Supreme Court of Canada.

The Nisga'a failure in the B.C. court led to further dissension with other Indigenous peoples, who feared that the Nisga'a appeal to the Supreme Court of Canada would forever close the door to all Native claims. The Native Brotherhood, for example, called for a pause in the NTC's action. Nonetheless, the Nisga'a organization refused, and in 1971, the case was heard by the federal judges. In a climate of Native unrest, they rendered their verdict on the Nisga'a case. Surprisingly, the judges recognized the existence of Aboriginal title before the assertion of British sovereignty, but they disagreed on whether this title continued to exist. Three judges ruled in favour of the claim and four against it by arguing the Nisga'a had brought the suit before the Court improperly. It the end, the last resort had failed to produce a clear outcome on the question of Aboriginal title; therefore, the ball was once again in the hands of politicians.

Prior to the ruling in the Calder case, the federal government's Aboriginal policy was not clearly defined. In 1969, the Trudeau government introduced the Statement of the Government of Canada on Indian Policy, or the White Paper, to abolish the Indian Act and eventually to eliminate all Aboriginal "privileges" while promoting equality for Aboriginal peoples. Although some Indigenous organizations such as the Native Brotherhood had adopted a discourse of equality, most Indigenous peoples rejected this proposal. To Indigenous peoples, the promise of "equality" meant the denial of Aboriginal rights and the right to legislative protection. Aboriginal peoples mobilized all over the country to stop the White Paper and, at some point, this mobilization converged with Native protests to stop development projects taking place within Indigenous territories.

Ironically, the only organization that agreed in principle with the government on the White Paper was the NTC. Years later the NTC clarified its position. According to this organization, the Nisga'a supported the notion of "true equality" included in the Policy Statement, which presupposed that Native peoples have the right to full and equal participation in the cultural, social, economic and political life of Canada. Nonetheless, to the NTC, such support did not mean the acceptance of the further steps suggested by the White Paper, because Aboriginal peoples should be regarded as "citizens plus" (NTC, 1979:17). It is not clear how the NTC intended to influence a policy aimed at eliminating Aboriginal collective rights. What was clear was how the Nisga'a position on the White Paper deepened the dissension with other Aboriginal organizations.

At the end, strong opposition to the White Paper forced the government to change its position with regard not only to the statement's policy but also the negotiations on land claims. Besides Native protest, what was the reason for this abrupt change of policy? Some observers believe that the Calder case forced the government to change its position (Cruickshank, 1996). Others rightly argue that in addition to the Nisga'a case, territorial claims were becoming one of the major political challenges across Canada (Raunet, 1984:161). The Inuit of the Arctic, the Dene of the Northwest Territories, the Indigenous peoples in the Yukon, and the Cree of Quebec were all challenging the legitimacy of the Canadian state and asserting their territorial rights both at the national and international levels. These political process represented a process of re-articulation of Aboriginal peoples' collective identities and status that encouraged a dynamic period of protest, litigation, national organizing and internationally focused mobilization (Feldman, 2002: 34). In this context, the federal government committed itself to initiating a process of treaty-making both in the northern territories and in the Nass Valley. In addition, the federal government established the Core Funding Program, which provided Aboriginal peoples with funds to promote their cases (Fleras and Elliot, 1992:44-45).

Despite the federal government's intention, the Nisga'a were trapped in the middle of a jurisdictional wrangle because successive B.C. governments refused to negotiate, arguing that land claims were a federal matter. Since all Crown lands were vested in the province, Ottawa also refused to negotiate without the province. In 1972 Calder's party, the NDP, won provincial elections, and Calder became the minister without portfolio with special responsibilities for Indian Affairs. Nonetheless, Calder was not able to influence the province's traditional stance on Native claims. Calder and the NTC's support of the White Paper proved to have political consequences for the Nisga'a. Neither Indigenous leaders nor the NDP's MLAs had forgotten this support. Indigenous leaders considered that neither Calder nor the NTC were really committed to advancing Indigenous claims. To the NDP members, Calder was not loyal enough to the party because he had strong ties with the federal Liberals. In fact, Calder had decided to lobby Ottawa directly to begin negotiations on the Nisga'a claim (Raunet, 1984: 163).

In order to force the provincial government to negotiate, the Nisga'a also sought new political resources. At their 18th tribal convention in Greenville, Calder announced he could no longer run for his party, the NDP, and that instead he would join the Social Credit. In addition, the NTC decided to stop the CNC extension north from Terrace where this extension entered their territory, to block the road used by the logging trucks hauling timber from the Nass (NTC, 1979: 13) and, to approve the Nisga'a Declaration. In this document, the Nisga'a demanded that

> As inhabitants since time immemorial of the Nass valley, all plans for resource extraction and 'development' must cease until aboriginal title is accepted by the Provincial Government of B.C. and the Government of Canada must be prepared to negotiate with the Nishgas on the basis that we, as Nishgas, are inseparable from our land, that cannot be bought or sold in exchange for "extinguishing of title. (Nishga Declaration, April 27, 1976)

This statement clearly referred to the agreements negotiated by the Cree of Quebec and Inuit of Alaska, who both had exchanged land title for money. The position of the Nisga'a was that their rights had to be recognized and enshrined in legislation rather than be sold off (NTC, 1979:15). Regarding the Nisga'a relationship with Canadian society, the Declaration stated that:

> If Canadian society and Nishga society of which it is part, is to be truly free, we as a distinct people and as citizens, must be allowed to face the difficulties and find the answers, answers that can only be found on our own social, economic and political participation in Canadian life. Governments, both federal and provincial must be persuaded that Nishga self-determination is the path that will lead to a fuller and richer life for Nishga people and all Canadians.

With this Declaration, a new era, signalled by the beginning of negotiations with both governments, started for the Nisga'a people. However, Calder, the elected leader, did not lead these negotiations. An unfortunate incident involving him, drinking, a woman, and a car parked in the middle of an intersection was enough to embarrass the Nisga'a, who voted for James Gosnell as the new president of the NTC (Rose, 2000: 107).

The Common Bowl: a Contested Territory

As argued previously, territoriality is a geographical expression of power combing people, place and resources to create boundaries and symbolic meaning for notions such as "us" and "them" and "ours" and "theirs." This concept is relevant because the access to some resources and not others defines how people can live and how cohesiveness can be expressed. However, boundaries may be simultaneously historical, cultural, political, natural, economic and symbolic phenomena, which can be used in diverging ways when territory is constructed. Although we associate particular places with particular skills, experiences and notions, place or territory is a slippery element of peoples' identity due to competing claims for the same territory. In this sense, Nisga'a territoriality was exercised in relation not only to Euro-Canadians but also to other Indigenous peoples.

Competing claims have always existed among the First Nations in the northwest coast. However, Indigenous normative systems provided a number of ways for dispute resolution such as kinships ties, marriage, war and subsequent peace, and clan adoption. For most northwest coast nations, the process of claiming ownership to the territory involved 'walking the land', or 'surveying it,' which is a process of recognizing and naming rivers, mountains, lakes and other geographic attributes. Names are highly descriptive and reflect deep knowledge of the landscape. In the *Nisga'a Ayuukh*"-- a set of customary laws and songs-- the history of this people, the creation of the world, the legends behind local topography, the founding of the royal families, the code of conduct and institutions are told (Nisga'a Tribal Council, 1993:4). According to the *Ayuukhl,* the Nisga'a have lived, used and occupied the Nass River region and its watershed since time immemorial. The Nass River watershed is a major river system flowing from the southwest through the Coast Range Mountains along the northwest coast. The river is 380 kilometers long from its source at Nass Lake and encompasses 21,567 kilometers (Rose, 2000:38). This area is also claimed by other peoples such as the Gitksan, particularly the Gitanywo, who claim immemorial use and occupation as well.

The Nass Valley from 'mountaintop to mountaintop' is the territory that the Nisga'a people, who distributed themselves throughout the territory to harvest the abundant resources necessary to sustain their complex social organization, claim as theirs. In this territory, four matrilineal and exogamous clans constitute the social organization of the Nisga'a, which is based upon a concept known as *Sayt'kilhl wo' osi,*" or "common bowl" (Nisga'a Nation, 2004). This is a system of shared resources and responsibility manifesting itself in family, tribal and community relationships. This sense of mutual obligation gives the Nass Valley the name of 'the sharing bowl,' or the place from which the Nisga'a gathered all the resources needed for survival. However, part of this territory is subject to competing claims. To the Gitanyow, who have a different understanding of the meaning of the expression "mountaintop to mountaintop", their traditional occupancy of the disputed territory is described in their *adaawk*, or customary laws and songs, which tell the history of the Gitanyow.

The Nisga'a and their neighbors, the Gitksan-Gitanyow and Tsimshian, have had the same system of land tenure and resource allocation and recognize each other's property rights (Sterritt, 1998: 134). The Indigenous property rights and resource allocation were challenged by the new uses of land that started with the arrival of Euro-Canadian settlers to B.C. in the early nineteenth century. This change was possible because colonialism remapped the discursive and physical spaces and places of Indigenous peoples through several strategies such as occupation and dispossession, categorization, and legal and political appropriation of Indigenous sovereignty (Shapiro, 1999; Feldman, 2000). Through these strategies the Dominion and its institutions justified their intervention in a space that was constructed as "outlawed."

Game laws, fishery laws, new land tenure and other relevant restrictions not only disrupted the Indigenous way of life but also displaced Indigenous legal systems by transferring sovereignty from the Indigenous peoples to the British Crown (McDonald, 1988:210). The displacement of Native systems of control and dispute resolution by Euro-Canadian laws created conflicts among Indigenous peoples and within Indigenous communities regarding the right to govern land, resource allocation, and clan property.

Before the arrival of Euro-Canadians in the Nass River, Aboriginal ownership of and jurisdiction over the territory were rarely in question, and when they were, Indigenous legal systems provided different forms of dispute resolutions, rules, and mechanism, including coercion, to solve such conflicts. As we have seen, the notion of 'property' was crucial to coastal Indigenous social organization and was linked to clan relationships and to their mutual obligation to share seasonal resources. As long as territorial sovereignty was recognized by other tribes and clans, sharing resources was not an issue. As an elder interviewee stated:

> The decline of traditional clan and tribal sharing caused all those tensions among the Gitksan, the Gitanyow and the Nisga'a and among clans, who started to compete for resources that once we all shared. A bad idea we got from the white man. Going to court was a way to seek for a solution to the land question and a way to solve this competition among the Nisga'a. (Interviewed in New Aiyansh, July 2004).

Therefore, the Nisga'a assertion of nationhood and territoriality was linked to competition for resources with Euro-Canadians, other coastal peoples and also to the disruption of Nisga' a internal social organization.

The issue of competing claims between the Nisga'a and the Gitksan, particularly the Gitanyow, first emerged in the Euro-Canadian political system when the Nisga'a advanced their Petition of 1913, in which they claimed as theirs a portion of the Gitanyow land. Initially, the Gitanyow had supported the Nisga'a petition, but they withdrew their support when they learned the extension of the Nisga'a territorial claim.

Apparently, at the core of these competing territorial claims was a series of migrations resulting in a large group of Gitksan, including chiefs, moving into Nisga'a villages. Trading patterns and marriages alliances had always ensured a moderate movement of people between the Nisga'a and the Gitksan, but the relocation pattern changed drastically in the late nineteenth century. The development of missionary settlements and schools near the Nass River, particularly in Kinkolith, Greenville, and Aiyansh, where missionaries actively promoted relocation to facilitate the conversion of Native people, created family movements, separation of villages and even competition among the nobility (Patterson,n/d). In addition, the establishment of canneries at the mouth of the Nass River also attracted a number of Gitksan who were seeking economic opportunities and who ended up living in Nisga'a villages. In fact, when the Land Committee was founded, it included several Gitanyow chiefs, who also were fighting for their land.

However, the Nisga'a and the Gitanyow had different views regarding these Gitanyow chiefs' territorial possessions. According to Sterritt et al (1998:146), the Nisga'a assumed they had "absorbed" the Gitanyow chiefs and their territories. The Gitanyow, in contrast, believed that the adopting nation could not claim the territorial possessions of the adopted. After the Gitanyow protested, the Nisga'a decided to omit the Gitanyow territory they were claiming. Nonetheless, in later statements of ownership, the Nisga'a again included Gitanyow territory in their claim.

In fact, the Nisga'a kept modifying and extending their boundaries to the extent that the Gitanyow challenged the Nisga'a Final Agreement (Sterritt, 1998). In the Calder case, the Nisga'a claimed an area of 4,303 square kilometres. Later in 1979, arguing that Gitanyow descendants were living in the Nass Valley, the NTC included a map in a public document that extended Nisga'a territory 120 kilometres further into Gitanyow territory. In an ownership statement in1995, the Nisga'a further extended their territory into the Thaltan people's territory (Sterritt, 1998:79). The Nisga'a and their neighbours' continuing challenge of each other's territorial claims and evidence could have substantive consequences for future land claims in B.C. and also for the evaluation of evidence pertaining to competing claims.

In asserting nationhood and ownership of their territory, both the Gitanyow and the Nisga'a have, through the strategy of territoriality, constructed territories as natural, immemorial, and symbiotically linked to people. As Penrose (2002: 280) posits, this type of process is based upon the emotional power of territory, which has four dimensions relevant to nationalism: (1) territories are often conceptualized as 'natural'; (2) bonds between people and places are conceptualized as 'natural'; (3) attachment to a territory is based on people's experience; and (4) a people are connected to their territory though myth, history and memory.

The first dimension is reinforced by the physical characteristics of the territory and by naming it and demonstrating its longevity and immutability (Smith, 1999). The second dimension refers to the construction of biological ties between people and their homeland, which are conceptualized as symbiotic (Tuan, 1975: 25). The third dimension is based on people's personal experiences of attachment and belonging to particular places. The fourth dimension refers to people's tendency to reinforce their connections to their territory through myth, memory and history. This process is crucial to maintain the significance of boundaries and the uniqueness of the territory (Lowental 1985).

In these circumstances, the assertion of nationhood creates boundaries that may be simultaneously historical, cultural, political, natural, economic and symbolic phenomena. Each of these dimensions can be exploited in diverging ways when constructing and reconstructing territory and nationalist thought (Paasi, 1995: 42). The complexity of borders and the flexibility of the functions they are called upon to perform show that boundaries are not fixed, stable or free of conflict.

Religious syncretism and the Nisga'a land question

After the arrival of Euro-Canadians on the B.C. coasts, one of the most evident phenomena was the increasing conversion of Indigenous peoples to Christianity. The Church became so central that it influenced not only Nisga'a culture but also Nisga'a political action. In fact, the influence of the Church and the relationship built between missionaries and the Nisga'a were evident in how Nisga'a leaders forged a modern yet traditional representation of the nation. Although it might be argued that as an colonial instrument, the Church influenced most Indigenous peoples, the relationship between the Nisga'a and the Anglican

Church was one of mutual legitimization. While the Nisga'a leaders helped the Church to diminish resistance among the villages, the Church recognized the authority of traditional kinship and chiefs system. Thus, a symbiotic relationship was established between them. Nonetheless, this process did not occurr in the same way throughout the province.

In relation to the Indigenous peoples, the way and timing of the missionaries' arrival in B.C. helped to divide the province into two large religious watersheds (Tennant, 1990: 76). North and west, the Protestants had exclusive influence, while east and south were Catholics, with the exception of the Methodist church in Chilliwac and the Anglicans in Telegraph Creek. The zone of Protestant influence coincided with the territories with the most highly structured indigenous political systems, which were less affected than other territories by White settlements. In contrast, the south and east were zones of the heaviest indigenous population and the most influenced by White people.

This religious division influenced Indigenous political activity and contributed to the formation of a dual pan-Indianism in the province. Unlike the peoples from the interior, the northwest coast Indigenous peoples such as the Nisga'a did not passively accept Christian ideology; rather, they fought the influence of the Church and eventually interpreted its ideology according to their own local situations and used it within culturally constituted spheres of interests and activity (White, 1991: 179).

The mission history in the Nass Valley started in 1860 when the Anglican missionary William Duncan arrived at the Nisga'a villages, after he had founded Metlakatla, one of the most controversial social experiments of its time (Murray, 1985; Usher, 1974). Metlakata and other subsequent mission "colonies" such as Kinkolit and Aiyansh were modeled on rural English communities with the intention of displacing the Indigenous social order and of inculcating Christian values. These communities would later serve to stop the influence of surrounding Indigenous pagan villages' influence (Barker, 1998: 441). However, the missionaries were not able to succeed as much as they had hoped to in this area because of the Indigenous resistance. Although the missionaries had launched a campaign against traditional practices, which they characterized as those of "heathen religions," the Indigenous people did not support this campaign. Traditionalist Nisga'a villages and leaders still retained a great deal of influence even in those villages founded by missionaries.

According to some authors, (Comaroff and Comaroff, 1991; Harking, 1993), these conflicts eventually ended up in a dialogue of mutual acceptance in which cultural practices were reified. While Anglican missionaries attacked social practices defined as "heathen," Nisga'a traditionalists, who insisted on potlatching and participating in secret societies, maintained and invented a strong sense of their identity and traditions in opposition to the missionaries' definition (Harking, 1993:2).

The irony was that the potlatch, a crucial indigenous traditional practice, provided a solid ground for the religious syncretism of Christianity and Nisga'a traditions, or what is called "vernacular Christianity" (Baker, 1998: 434), because the missionaries were willing to accept Nisga'a traditions in order to be accepted by the Nisga'a. Even though formally the Church worked to apply the law banning the potlatch, the missionaries allowed the feast system through which Nisga'a clan names and property rights were transferred and which was connected with funerals and the erection of tombstones a year later.[6] As Tenant (1990: 78) argues, these feasts or revival meetings were, in fact, 'concealed potlatches' at which the host made "payments" to those who had contributed to the funeral, basically following the potlatch practice of distributing wealth. Over time, Nisga'a tradition and Christianity merged to the extent that the Nisga'a did not see any contradiction between the two. As an interviewee observed, *Nisga'a Ayuukl* and the Bible are very similar, the *Ayuukl* and the Bible both talk about the great flood, for instance" (Interviewed in New Aiyansh, July 2004). This comment shows how this process of syncretism led the Nisga'a to see Christianity as a source of their tradition.

According to Patterson (1982: 128), one factor that helped the development of syncretic practices was that the missionaries were not truly committed to assimilation even though they supported colonial Indigenous policies. However, it seems rather that the missionaries could not successfully fulfill their colonialist task. Although the missionaries founded Indigenous villages to impose Christian values and displace the Indigenous social order, the strong presence and influence of Nisga'a traditionalist chiefs undermined and obstructed the missionaries' attempts and work. Missionaries soon understood the importance of the chiefs to the Nisga'a peoples and the futility of working against them. Over a period of time, missionaries undertook efforts to rewrite the liturgy in the Nisga'a language, which marked a recognition and endorsement of the practices established by the Nisga'a themselves (Barker, 1998: 439). This understanding eventually led the missionaries to oppose the province's confiscation of Nisga'a lands and to advise Nisga'a chiefs when they were resisting the province policies to an extent that conflict rose between the government and the Church in this area.

---

[6] Also known as 'stone moving' or 'settlement feast'.

Another element of symbiosis between Nisga'a culture and Protestantism was the introduction of the Church Army. Modeled upon the Salvation Army and practicing a colorful and revivalist Christianity, this entity had members who achieved ranks marked by special uniforms and duties, similar to the Nisga'a ranking system, held enthusiastic revival meeting in the Nass Valley and neighboring villages, and organized 'gospel trips.' Ironically, the gospel trips provided the Nisga'a with a venue to interact with the members of other villages and to reaffirm tribal identity (Baker, 1998: 442). By this time, chiefs and matriarchs had merged their traditional roles with church offices. In fact, Rod Robinson, one of the best known Nisga'a leaders, credited the Church Army with creating the foundation on which the NTC was built in 1955 (Baker, 1998: 445).

Therefore, religious and cultural syncretism helped to shape Nisga'a politics and the land question. The creation of the Land Committee reveals how new cultural resources were incorporated into the political activity of the Nisga'a.

The missions provided male leaders, first, and later, people with a new and critical resource, literacy. Missionaries invented the Nisga'a orthography to disseminate the word of the gospels and the use of English through a newspaper, which the Nisga'a later used to promote the land question. Moreover, literacy helped the Nisga'a to access new information and legal tools such as the Royal Proclamation to advance their claims. Eventually, the missionaries won most Nisga'a leaders' support. While the chiefs became preachers, matriarchs became auxiliaries in the churches in charge of watching young women's behaviour (Baker, 1998). Most chiefs of the Land Committee had both high-ranking names and traditional positions within the communities and the local churches.

In this sense, the Nisga'a people's response to colonialism was, on the one hand, to resist assimilation and evangelization; and on the other, to selectively adopt the practices of hegemonic Euro-Canadian culture. Comaroff and Comaroff (1991: 259) posit that this response represented an effort to increase awareness of Nisga'a identity and to master a changing world. The foundation of the Land Committee was embedded in this process. While the Land Committee adopted a new language, new legal tools, organizational skills and even dressing codes to advance the land question through a language familiar to white people, this organization also claimed a traditional tribal identity that justified the collectivity and represented the Nisga'a nation. In doing so, another consequence of cultural syncretism manifested itself. Slowly, tradition and religion contributed to portray Nisga'a women as the nation's traditional past, while men appropriated the modern face of the nation, as I will show in the next section.

Although the Land Committee was successful in representing this modern yet traditional face of the Nisga'a nation, this organization's impact was limited. The federal government banned land claim activities, forcing the Committee to hibernate. Local churches provided space for the Nisga'a to continue to discuss and seek solutions to their dispossession.

As local churches became the space for the Nisga'a to discuss their dispossession, their understanding of the land question was also influenced. Preachers from the Church Army taught biblical stories and passages that appealed to the Nisga'a and gave the land question a spiritual dimension (Baker, 1998: 444). For example, Rod Robinson (2002: 187) stated:

> The Holy Bible's Book of Deuteronomy, Chapter 8 verses 1-10, mentions the Creator's design of equality for all His creations in his distribution of land and resources: "All the commandments that I am commanding you today you shall be careful to do, that you may live and multiply, and go in and possess the land... for the Lord your God is bringing you into a good land, a land of brooks of water, of fountains and springs, flowing forth in valleys and hills...." Our predecessors named the valley Ayans, the valley of the eternal bloom, because this passage describes the Nass Valley. We cannot be separated from our land.

Although the influence of Christianity proved as strong in the Nass Valley as elsewhere, the Nisga'a did not passively accept this ideology. Rather, they interpreted it according to their own local situations and used it within culturally constituted spheres of interests and activity, creating a syncretic Christianity that shaped, to some extent, Nisga'a culture and politics. The social hierarchy and complexity of the Nisga'a people, the weak influence of White settlements, and the authority and presence of traditional leaders were all elements that helped to create a symbiotic relationship between the Church and Indigenous peoples.

The politics of tradition and the erasure of Nisga'a women

In this section, I will explore some elements that have shaped and transformed women's access to land and resources and, over time, the relationship between tradition and women. I will argue that all nations depend on powerful constructions in which gender roles are defined. Indigenous tradition and colonizing policing include boundaries of exclusion and silence that entrap men and women differently. In the construction of Nisga'a nationalism, both tradition and colonizing have contributed to the unequal representation of men and women and the erasure of Nisga'a women. While men are central actors in society, and their knowledge and power include the social/cultural world in all significant aspects, women are the nation's traditional face without socially relevant knowledge and history. The silence of women affects the interface between discourses of place, politics and tradition in Indigenous territorial struggles.

The Nisga'a is a matrilineal society, meaning that women are central to the social organization. They carry and pass onto their male descendents hereditary chiefly positions and traditional names. Women cannot become chiefs, but they can inherit positions as matriarchs, which have allowed them to exercise some degree of authority within the house, or *wilp*, and to advise chiefs. In the past, men and women had differentiated active roles in the complex social organization and the production process. Male hunters and fishermen were in charge of warfare and of furnishing most of the food. They were also woodworkers and carvers. Women, on the other hand, were involved in curing fish, digging clams, picking berries, weaving and bearing children (Littlefield, 1987: 177). Some have argued (Littlefield, 1987; Fiske, 1987) that in coastal societies, such as that of the Nisga'a, where women controlled critical resources, women also enjoyed economic and social autonomy. Women's political power was based on their ability to dispense patronage beyond their domestic units and, thus, to influence peoples' lives. However, European culture and the Churches' influence diminished this power.

The analysis of the relationship between women's economic role and social authority is the focus of a heated debate in feminist anthropology. Some scholars (Chevillard and Leconte, 1986) question whether lineage societies, such as that of the Nisga'a, were actually egalitarian, because nothing is egalitarian in gender relations. Others (Ward Gailey, 1987; Sacks, 1979) argue that women in lineage societies indeed had a number of important social roles, including roles of authority as a result of women's participation in production.

Nisga'a society was very stratified, and class was the basis of its social division. The three main classes were chiefs, commoners and slaves. Men and women inherited their rank and chief and matriarchal positions at birth, when they also inherited their Nisga'a names. The chiefs of the houses were active in the public realm and extended their influence beyond the villages through feasting and religious ceremonies. The matriarchs, on the other hand, exercised authority in the house or *wilp*, supported chiefs and controlled the common women's work.

Life and work in Nisga'a villages were organized along matrilineal principles. Villagers of closely related lineages formed local units call 'houses,' which were led by their more important members, or chiefs. Each of these houses held resource property rights vested in the titles of their leaders or chiefs. At the foundation of Nisga'a society lies the inalienable and exclusive title of each house to its properties, including territories and resources. A group of Nisga'a lineages and houses that had been descendents of common ancestor formed clans that extended beyond the village (Boas, 1916; Garfield, 1939).

Property, from this perspective, has to be understood as a relationship between people and as social institution (Tanner, 1986). While traditional property involved relationships between individuals, in the Nisga'a society property manifested itself through a complex system of rules of differential access and restriction reflecting gendered divisions of labour. While the gendered division of labour between men and women does not necessarily guarantee gender equality, the social organization of the Nisga'a required that both sexes had access to land and resources in order to fulfill their social obligations to the community (Van Woudenberg, 2004: 2).

The social embeddedness of property involves the significance of institutional arrangements. Patterns of residency, lineage, kinship and descent are all functions of social institutions defining and shaping access to and the use of land (Van Woundenberg, 2004). In the Nisga'a nation, certainty of inheritance allowed future leaders to be known and prepared from childhood, while matrilineal descent reduced the likelihood of conflicts over succession. The power of title-holders or hereditary chiefs depended upon their ability to support their followers and the inheritance associated with their titles. A crucial element of the inheritance was the productive capacity of properties such as land, house sites, launching places and berry picking, hunting and fishing grounds (Drucker, 1963). In this sense, no unclaimed resources, land, or fishing, berry-picking, and hunting grounds existed within Nisga'a territory.

According to Garfield (1939), the chiefs in coastal societies had stewardship over lineage resources; however, resources were accessible to all members of the lineage. In contrast, others have claimed that women were economically independent and that they owned their resources. Lineage heads were responsible for directing the productive labour and accumulating potlatch wealth, and apparently both women and men led the productive labour, because neither women nor men could accumulate wealth without the cooperation of the other (Niblack, 1890 and Dawson, 1880 in Fiske, 1991: 510).

The rationalization of social status through ceremonial wealth distribution at the potlatch ceremonies was the foundation of the political competition and affected all social relations. Through potlatches, authority, chiefly positions, property rights, and names were legitimated. The more wealth a chief was able to distribute, the stronger was his power and authority. In order to accumulate wealth, chiefs not only had to exploit their resources but also to trade them with their neighbors. Therefore, trading was a crucial aspect of productive relations. Traditionally, each household established its own trade partnerships and alliances, which included social and political obligations, with other neighboring villages (Littlefield, 1987: 180).

In order to gain prestige, men and women had to have access to the 'means of prestige and status,' namely those ecological spaces and resources that enabled them to perform their duties. Thus, Nisga'a women participated in and contributed to this social and political aspect of trade and giving away of gifts by trading their husband's property and their own crafts. With the arrival of the Europeans on the northwest coast, trade patterns changed. Nonetheless, Indigenous women's participation in the fur trade with Europeans was not a behaviour arising from the fur trade itself, but was a continuation of women's traditional role (Littlefield, 1987; Fiske, 1991).

However, the fur trade had unexpected consequences. Through 'practices of erasure,' understood as "the process of removing or marginalizing the autonomous power and presence of living systems and human beings" (Bird Rose, 1996: 8), women became silenced and marginalized. As Europeans tended to favour men over women when bargaining, trade helped to enhance the power of noble-born males to the detriment of their female peers. Drucker (1955) argues that the fur trade might also have encouraged the disruption of communal relations and promoted private ownership of resources. As high-ranking males gained economic advantage, they rationalized social and political prerogatives and crystallized them around new concepts of stewardship over lineage resources and male authority (Fiske, 1991).

This new male-centred authority and ownership were further fostered by the influence of Christian ideology. Since mission villages were established and maintained according to British, rural and Victorian values, the missionaries also helped to forge new gender roles. Women were excluded from property ownership and other resources. With the introduction of wage labour, new sources of wealth were created for men but nor for women. Similarly, most offices of authority and prestige within the communities and the Church were occupied by men while senior women were limited to the church auxiliary and to monitoring young women's conduct (Fiske, 1991; Baker, 1998). Thus, "custom" was transformed by the Church and the state into a legitimization of male prerogatives (Fiske, 1991: 518-19). Similarly, Braund (1990) has observed how in the United States, the government programs and policies, aimed at transforming Creek matrilineal society, affected women more than men.

The feminine and the woman came to be the signifier of an essence of Indianness. According to Nag (1989), it became necessary for Indigenous peoples to define feminine, so that it became different from what was considered Western or the values of the colonizer (in Brown, 1993: 671). Slowly, new gender roles were reconstructed and justified by custom and tradition. While women were given a symbolic status in relation to the reproduction of the nation, they were distanced from active membership in the political realm because they represented the traditional face of the nation and because their knowledge and history had become irrelevant and controlled by men. Men, in contrast, were seen as the future of the nation and as its modern face (Cusack, 2000: 544). Through this process the 'true' feminine attributes came to be identified as those that would not threaten the difference between the 'home' and the 'world'.

The erasure of Nisga'a women was institutionalized through traditional practices that reproduced and continued to reproduce male centrality and that were legitimized by the state's institutions. Although, in the context of constructing nationalism and pursuing land claims, the Nisga'a have established institutions of decolonizations, they are embedded in practices erasing the power and presence of women.

Although property is conceptualized as a relationship between people and as a social institution, little evidence of Nisga'a women as subjects of their own history and knowledge in relation to land is found when reconstructing this people's territorial struggle. The marginalization of women is also perpetuated by the state's institutions, which do not require that men and women be equally involved in preparing and presenting land claims. This process disadvantages women not only because of the knowledge and history they are unable to present but also because the results serve to legally disenfranchise them. An evident bias currently exists in favour of hunting and fishing, which, in turn, has become the core of Aboriginal culture, while women's activities such as harvesting are regarded as secondary or supplementary to their diets (Peers, 1996: 39)

As Bird Rose (1996: 13) observes, the erasure of the power and presence of women in the context of land claims involving the cultural and social bases of land ownership is a form of symbolic violence that obscures and nullifies the living presence of women in their social, moral and cultural complexity. This violence is not acknowledged as such, and the androcentric views of society assume that women are already marginal. Therefore, the erasure of women is not only the result of historical misrepresentations and transformations but also of contemporary power and politics, which contribute to women's invisibility in current political and social matters (Van Woudenberg, 2004).

Unlike Inuit women, Nisga'a women have not only been marginalized from the territorial claim process but also prevented from creating their own political spaces and organizations to raise their concerns. To advance any interests or to raise any concern, Nisga'a women create kin networks which are networks of female friends and relatives and designed to foster solidarity. As a female interviewee observed: "We women are very divided, we cannot talk to each other openly. Whenever some of us want to do something like to support a friend to a board school or councilor position, we have to do it quietly, we have to talk to those we trust." (Interviewed in New Aiyansh, August 2004)

In the public sphere, women have, at best, become the supporters of men even though quite often in the rhetoric, it is argued that chiefs and matriarchs share in the decision making. When asked about the women's role in the Nisga'a land claim, a matriarch explained, "We [women] supported our husbands and our chief negotiators. We took care of the household, we took care of their children, we helped them to look good." (Interviewed in New Aiyansh, August 2004)

Although contemporary Nisga'a are proud of being a matrilineal society and often emphasize the centrality and high status of women in their culture, most of this status results from women's role in the physical reproduction of the nation. As Robinson (2002: 186) observed, "For the Nisga'a woman's robe, red is the predominant colour. [The woman] has a higher station than the man, as she perpetuates the lineage of the tribe." As a form of "ethno-cultural" nationalism, Nisga'a nationalism creates a traditional and natural domestic role for women, viewing the burden of parenthood as women's responsibility, although the head of the family is male. The very language of nationalism singles out women as the symbolic repository of group identity (Kandiyoty, 1991: 434). As a chief observed, "In our society, women are more important than men. All what I have, I got it from my mother, the language, traditions and culture and my traditional name" (Interviewed in Kinkolit, August, 2004).

Although women are highly praised as the symbolic repository of Nisga'a culture and identity, Nisga'a women have been silenced and marginalized from the social and political life. In this matter, a female interviewee observed:

> We always say that we Nisga'a are a matrilineal society and that women have a higher status than men in this culture.... But I wonder why we women cannot be chiefs or why in a feast, when the money is distributed among those who contributed, chiefs get more than matriarchs (Interviewed in New Aiyansh, August 2004).

From this perspective, nationalism is not only crucial to how gender roles are reconstructed and represented in relation to the nation, but also to how the nation's material content is distributed between the men and women.

Nevertheless, the Nisga'a women 'mutedness' does not mean Nisga'a women do not act. It rather means that the spaces of activism created by women are not openly challenging perhaps because family, clan ties and social hierarchies continue to play an important role in contemporary Nisga' a politics. Women's loyalty to their kinship ties perpetuates male power, the status quo and the dynamics of contemporary family politics. In this regard, a female interviewee observed: "We women are so divided. Families and clans expect women to behave in a certain way and to support their clan members who are running for political positions, because that support may bring some benefits". (Interviewed in New Aiyansh, August, 2004)

Women's strategies to subvert the process of erasure are manifested in different spaces. Some of these spaces are related to women's kin networks, and influence on government agencies by women working in the government, schools boards, and villages' councils. Women's kin networks are created along friendship and family lines to discuss women's concerns, gather support to nominate female candidates to certain positions and address political issues. Nevertheless, these kin networks keep a low profile as women want to avoid criticism and to be singled out as trouble makers.

The Nisga'a Agreement and its Discontent

As argued in previous sections, with the Nisga'a Declaration (1976), a new era started for the Nisga'a. Both the federal and the provincial government agreed to negotiate land claims and self-government with the Nisga'a. Nonetheless, the tripartite negotiation evolved into a slow process of revisiting old positions, rhetoric, and broad exploration of issues such as fishing, hunting and forestry, with no visible progress. As well, in the decades following the Declaration, two events impacted the treaty-making process in Canada: the Constitution Act of 1982 and the ruling of the Supreme Court in the Sparrow case (Exell, 1990).

In 1982, with the patriation of the Canadian Constitution, Section 35 was included to recognize and affirm Aboriginal and treaty rights for the Inuit, Métis and First Nations. As argued in Chapter II, the inclusion of this section can be considered one of the most important battles won by Aboriginal peoples, who had mobilised on different fronts. For instance, the NIB lobbied British MPs to block the passage of Trudeau's resolution to bring the Canadian constitution home until it contained satisfactory Aboriginal rights. As well, the Union of British Columbia Chiefs chartered a train --"the Constitution Express"--to bring hundreds of Indigenous people across the country to Ottawa to protest and, later on, to England to oppose the patriation of the Constitution (Manuel, 2003: 317).

Section 35 was contested among Aboriginal peoples, and the ensuing debate revealed the differences among the Inuit, Métis and First Nations, and status and non-status Indians. While Aboriginal peoples such as the Inuit and Métis were, to some extent, pleased with the inclusion of this section in the Constitution, the First Nations organisations from B.C. opposed the rights amendment and being grouped with Métis and non-status Indians. Moreover, B.C. First Nations peoples saw Section 35 as an instrument that would allow the Canadian government to define Aboriginal rights, just as the B.C. government had being doing for a long time.

In later conferences to define the nature of Aboriginal rights, B.C. Indigenous peoples, particularly the Nisga'a, argued that only Aboriginal peoples could define their rights and that land title was crucial to such a definition. The then President of the NTC, James Gosnell (2003) stated:

> It has always been our belief, Mr. Chairman [Trudeau], that when God created this world, he gave pieces of land to all peoples.... so at one time our land was this whole continent right from the tip of South America to the North Pole was our land.... Aboriginal title is our ownership of this land- lock, stock and barrel- total ownership... .

Although several attempts were made to define 'Aboriginal rights', no apparent success, except for a new political awareness of the Aboriginal agenda, could be claimed. Thus, even though the negotiations over the Nisga'a agreement had a new momentum after the patriation of the Constitution, they evolved slowly, partly because many non-Indigenous people in B.C. perceived the issue of land claims as a "land grab" (Exell, 1990).

However, in 1990, the trend changed. Arguably, a second process impacted the evolution of the Nisga'a negotiations: the decision in the Sparrow case. In this case dealing with Aboriginal rights to fish for food in B.C., the Supreme Court of Canada confirmed that Aboriginal rights in B.C. continued to exist. Thus, the legitimacy given to Aboriginal land claims forced the provincial government to announce it would abandon its long-standing policy of refusing to participate in the negotiation of Indigenous claims and to promote, instead, a "certainty policy." This policy would be used to achieve the stability necessary to encourage long-term investment in the province. Therefore, signing treaties was seen as necessary to satisfy corporate demands upon lands and resources in B.C. (Haythornthwaite, 2000).

Finally, in December 1991, the NTC met with the provincial government to initiate a new working process for solving the Nisga'a land claims. In addition, the provincial government also announced its intention to begin a treaty process with other First Nations. After seven years of formal negotiations, in 1998 the Nisga'a Final Agreement was signed within the context of a renewed partnership among the Canadian government, the Nisga'a nation, and the province of B.C. The signing of the Final Agreement was a historical moment representing the end of a long journey. In referring to this event, Joe Gosnell, the then president of the NTC, stated that "The canoe had arrived." Nonetheless, the canoe was headed for some rough waters.

The most relevant provisions of this agreement are (1) the Nisga'a lands consist of 2,000 sq. km. in fee simple owned by the nation, about 8% of what the Nisga'a claim as their traditional territory. Ownership of the lands includes resource such as oil, mineral, gas, and forestry rights. (2) The Nisga'a receive a harvest allocation of 13% of the total allowable catch of sockeye and 15% of pink salmon for 25 years. Non-salmon species such as oolichan used by the Nisga'a for domestic purposes are considered a treaty entitlement. (3)The Nisga'a own the forests on Nisga'a land. (4) The Nisga'a Nation owns the surface rights to this land. (5) The Nisga'a can participate in most land-use decisions involving Nisga'a lands, but this participation is limited to consultative status outside these areas. (6) The Central Nisga'a Government or Lisims Government[7] shares power with Canada and British Columbia. (7) The Canadian Charter of Rights and Freedoms applies to the Nisga'a government and its institutions. (8) A Nisga'a court will administer Nisga'a laws. Nonetheless, the rulings of this court can be appealed through the provincial appellate system. (9) The Lisims government will be able to tax Nisga'a residents to maintain self-government.

The Lisims government can be considered as a "municipality plus" (Interview with Joe Gosnell, New Aiyansh, July, 2004) or what others call a "third order of government". It is composed of the Nisga'a Lisims Government, which is responsible for intergovernmental relations and consists of executive and legislative branches and a Council of Elders and four Nisga'a village governments. The council of Elders, made up of chiefs, matriarchs and respected elders, is an appointed body providing guidance on matters relating to the traditional values of this people.

---

[7] Lisims Government is the name of the central Nisga'a Government and it means the "government of the river".

Although remarkable and historic, the signing of this treaty faced opposition and criticism on several fronts, and this criticism revealed the competing claims for resources within Native society itself and among British Columbians. Since the signing of the Agreement, the debate about the B.C. treaty-making process has been framed by two main positions. The first is a liberal viewpoint advocating the buying of social peace by implementing the Nisga'a treaty style, which is characterized as involving money, municipal-style powers, and limited resources rights. In contrast, the Right argues that First Nations already enjoy too many privileges (Haythornthwaite, 2000). Thus, the then B.C. Liberal leader, Gordon Campbell argued that if he won the provincial elections, he would consider renegotiating some parts of the treaty, whereas other parties such as the commercial fishery lobby completely rejected the deal.

The Nisga'as leaders also faced criticism from other B.C. First Nations leaders, who opposed the treaty by arguing that Nisga'a had surrendered their sovereignty for a pragmatic deal. The land title issue, central to the Nisga'a struggle was, after all, undermined with this treaty, because under fee simple, Nisga'a lands have been defined by the legal system of the dominant society (Rynard, 2000:223). Thus, these lands could potentially be endangered by the lack of full fiduciary obligations. From this perspective, the Nisga'a leaders have been accused of surrendering Aboriginal title for money. Nonetheless, a Nisga'a negotiator stated: "We got what we could. Our elders told us we could not wait for another hundred years" (Interviewed in New Aiyansh, August 2004). Criticism of the Nisga'a Agreement also came from the Nisga'a themselves, who accused their leaders of not getting enough. In fact, the Nisga'a agreement was voted on by only 40% of the population and made no mention of the word 'treaty' anywhere in the document (Alfred, 2001: 49). Nisga'a opposition was particularly strong in Kinkolith because under this agreement, this village had to give up most of its lands. In fact, one of Kinkolit's chiefs threatened to challenge the agreement in the court (Access Law Group, 2002).

In addition to this criticism, an important challenge to the agreement came from the Gitanyow, who headed to court to declare that Canada and B.C. had no right to hand over control of areas that they had traditionally used and occupied since time immemorial. According to the Gitanyow, more than 80% of their traditional territory sits within the Nisga'a wildlife management area because the Nisga'a had inflated their claim at their neighbours' expense (Hume, 2000:59). The Nisga'a-Gitanyow territorial overlap is one of the several territorial overlaps existing in B.C. and reflects the fluidity of tribal boundaries. As argued previously, the complexity of borders and the flexibility of the functions they are called to perform show that boundaries are not fixed, stable and uncontested, but are a social, political, cultural and historical construction.

The arrival of the canoe and Nisga'a contemporary politics

Another debatable aspect of the Nisga'a Final Agreement involves governance. Unlike the leaders of Nunavut, which was created as a "Canadianized creature or self-governing territory" that adopted Canadian governance values, principles and traditions, Nisga'a leaders insisted on the centrality of Nisga'a values, laws, and tradition in self-governing. Although in the Nisga'a Final Agreement, the Nisga'a have the right to self-government and the authority to make laws within the framework of Canadian political principles, tradition and culture shape many aspects of Nisga'a governance and politics. In this sense, Nisga'a nationalism could be considered as a "Janus-faced nationalism,[8]" which represents a modern aspect of the nation, yet simultaneously looks back to a historical identity that justifies the collectivity. This modern/traditional representation of the nation together with the absence of women in the process of negotiating the land claim have had important consequences for the disenfranchisement and political invisibility of women, as I will show in this section.

The Declaration of the Nisga'a Nation illustrates the incorporation of both Canadian modern and Nisga'a traditional values and institutions:

> We are a unique aboriginal nation of Canada, proud of our history, and assured in our future. We claim and take our rightful place as equal participants in Canadian society. We commit ourselves to the value of our Ayuulk which have always sustained us and by which we govern ourselves, and we each acknowledge our accountability to those values, and to the Nisga'a Nation. (Constitution of the Nisga'a Nation, 2000).

In addition, the Nisga'a government is represented as democratic, representative, responsible to its citizens, and subjected to the Charter (The Constitution of the Nisga'a Nation, 2003). However, one of the most debatable aspects of the Nisga'a Agreement involves governance and citizenship and, in particular the effects that integrating Canadian/Nisga'a values and institutions have on women. One other hand, Canadian values and institutions, considered "modern," centre on the individual and on the rights and freedoms enjoyed by individuals. On the other, Nisga'a values and institutions, considered "traditional," focus on the collectivity and on collective rights. In the Nisga'a Agreement, Canadian/Nisga'a values are expressed by the adoption of the Canadian Charter of Rights and Freedom and the Nisga' a Constitution.

---

[8] Janus-faced nation is a concept used by Tom Nairn (1997) and recovered by Tricia Cusack (2000).

The adoption of both the Charter and the Nisga'a Constitution has been a very debatable issue. For some, the fact that the Charter applies to the Nisga'a government and institutions reinforces the idea of equality between the sexes and bans gender discrimination against women. For others, in contrast, the adoption of the Charter represents a significant limitation to the scope of First Nations' self-government (Boltd, 1993:80). On the other hand, the Nisga'a Constitution, which emphasises Nisga'a traditional laws, is considered to be a threat to individual rights and particularly to Nisga'a women's equality.

Beyond the adoption of the Charter and the Nisga'a constitution is the interface with the discourse of law, politics and cultural identity involved in the negotiation of territorial claims and which is expressed in the gendered 'land bias,' to use Van Wounenberg's term (2004). The depiction of Nisga'a women as 'domestically' placed translated "traditional" land-use patterns and property into a set of contemporary rights influenced by the commodification of labour and resources. Such influence tied Nisga'a rights to large-scale or commercialized resources exploitation that promotes employment opportunities in male dominated areas such as fishing, mining and forestry.

Another important expression of this gender bias involves matrimonial property rights and the construction of land use and occupancy as male-centred when land claims are negotiated. Despite continuous national and international criticism, and the lobbying efforts of the Native Women's Association of Canada (Huntley, 2000), the Canadian government has failed to provide women living on-reserve with matrimonial property rights equivalent to those of women living off-reserve. Spouses living on-reserve do not have legal recourse for obtaining interim exclusive possession of the family home equivalent to that which is available to all spouses living off-reserve. Thus, it is not clear whether family law, applying to matrimonial property, will prevail at marriage break-up within the Nisga'a nation or if customary laws will undermine women's rights (Debate of the Senate, 2000).

From this perspective, in the discourse of tradition, law and identity politics, it is assumed that men's activities and economic contributions are more important than women's and that the 'right' to land and its resources is more of a male than a female prerogative (Peer, 1996: 47). The rhetoric of tradition continues to legitimize the male prerogatives initiated through colonial policies. As part of the perpetuation of tradition, lineage and, matrilineal adscription, the marginalization of women continues to be reproduced. As a respondent observed,

> Our Nisga'a word for chief is 'simgigat'. It is our word for leadership. It refers to a person of very high rank, to a deserver, provider and owner. So before you become a chief you are first a deserver. The role of a chief is to guide, to direct the life of the community. Our word for matriarch is 'sigidimhaanak.' It refers to a person, a woman who creates life, has responsibilities to nurture, to love, create a balance within the community. The role of matriarchs is to keep our stories, our values, to create life. (Interviewed in New Aiyansh, July 2004)

As this statement shows, women and men's relationship with the nation are constructed differently and according to modern, White constructions of gender roles. While women are represented as the reproducers of the nation, men are portrayed as the participants in the public sphere.

Since the beginning of the Nisga'a land struggle, men, particularly the chiefs, have been the ones entitled to speak on behalf of the nation. Through the rhetoric of tradition, they have legitimized their positions as political mediators between the Canadian state and the Nisga'a society and have, unlike the old leadership in Nunavut, capitalized on the relationship. Most of the negotiators of the agreement were chiefs who have been elected to govern the Nisga'a. Unlike what occurred in Nunavut, where the leaders who negotiated the agreement disappeared from the political arena, in the Nisga'a communities, the agreement and leadership have become inseparable. Those who were involved in the negotiation of the agreement are still active in politics and occupy the top government positions, making it difficult for the new generation of Nisga'a, particularly women, to climb the political ladder. At the 41st annual Nisga'a convention, the first woman ever elected as deputy chief of New Aiyansh made the following remark: "You guys are not getting any younger. You are going to have to make room for the next generation, including young women" (Gray, 1998).

Besides having differentiated gender roles, Nisga'a society has traditionally been a hierarchical and very stratified society, where differences between chiefs and commoners are important and continue to affect politics. As a female interviewee observed,

> Hierarchies affect politics. In these days if you are a chief, your family will vote for you, the whole clan will vote for you...and some clans are just too large. I always insist do not look at the person, look at their qualifications and who can better represent you and the community (Interviewed in New Aiyansh, August, 2004).

Although the creation of the NTC represented a shift from a nationalist movement of chiefs to a "popular" movement that opened the door to meritocracy, social stratification continues to be relevant among the Nisga'a and to influence how politics unfolds. For instance, the most important positions in the Lisims government have been occupied by males, most of whom have inherited their names and their chief positions according to Nisga'a tradition or have successfully climbed the ladder by putting their skills to the service of the leaders. Nonetheless, contemporary Nisga'a politics is formally embedded within a discourse of equality and democracy. A respondent explained the contradiction:

> We are in a situation right now where we have a generation of people, of males, who are not educated but they still hold office. Why? Because they are chiefs. We need educated people to make this agreement [the Nisga'a Agreement] work, but Nisga'a continue to look at who is who. (Interviewed in Kinkolith, August, 2004)

For this reason, among others, the Nisga'a treaty has been seen as a "deal between Indian Affairs and the elite leadership, [which works for only a few individuals]" and which reflects the notorious class division within Indigenous communities (Aboriginal Women's Action Network in Vancouver, in Haythornthwaite, 2000).

Moreover, although men, particularly chiefs, represent the public and the modern face of the Nisga'a nation, and although women are praised as transmitters of culture, language and tradition, often these representations do not correspond with women's contemporary roles. Men occupy the top positions in politics and government even though men's level of education is lower than that of the women, who occupy administrative positions. A female respondent was emphatic in this regard:

> We women are better educated than men but we can neither become chiefs nor hold the top positions. Do you see the Lisims Government two stories building? They [men] are in the top floor where the top positions offices are, women are at the bottom and still do all the work. (Interviewed New Aiyansh, August 2004).

Nisga'a nationalism has forged a modern, yet simultaneously traditional face of the nation. The modern face is represented by the cultural and legal elements that made entering Euro-Canadian politics possible. The traditional face looks back to a historical identity that justifies the nation and its collective claims. This modern/traditional representation of the nation has had uneven consequences for the sexes. While men are portrayed as quasi-natural leaders destined to lead the future of the nation, women are represented as reproducers of tradition and mothers of the nation, while at the same time they are erased and marginalized from the social and political from representation, making it difficult for women to participate and to be recognized in their new roles within contemporary Nisga'a society. Moreover, this representation shows not only how gender roles are reconstructed in relation to the nation but also how the nation's material content (symbols and resources) are distributed between women and men.

Conclusions

In this chapter, I explored the importance of land/territory in the constitution of Nisga'a nationalism. I argued that Nisga'a nationalism has been rooted in the two crucial values of territory-- space and material power-- in relation not only to the Euro-Canadian society, but also to other First Nations peoples with whom the Nisga'a have competed for land and resources. In order to advance their territorial claim, Nisga'a leaders represented a nation with modern and traditional faces, in which men were identified with the former while women with the later. While male leaders successfully became the political intermediaries between the Nisga'a population and the Canadian state, Nisga'a women have been erased from the political landscape. In the historical and long process of advancing their territorial claim, Nisga'a leaders incorporated non-Indigenous cultural values, legal tools, and other resources into their political activism including the erasure of women and the privileging of male prerogatives.

As a "Janus-faced" nationalism, Nisga'a nationalist ideology portrays the nation as a modern, equal participant in Canadian society and also as historically committed to tradition, which is the substance of the nation's culture. The representation of this modern/traditional face of the nation affects women and men differently: women socially and culturally reproduce the nation while men control its destiny. Moreover, these representations are built upon the political uses of tradition, which have legitimized uneven gender relations and unequal access to power and resources within the Nisga'a nation.

Chapter VI Indigenous customary law and women in Oaxaca: the paradox of tradition

Introduction

Indigenous peoples' struggle for some form of Indigenous autonomy and sovereignty is one of the most pressing political challenges currently confronting national states. In Mexico, for example, struggles for autonomy have occurred throughout this country's history. Indigenous peoples have constructed nationalisms in order to justify their assertions of self-determination and to frame such assertions within the context of collective rights. From this perspective, nationalism has served as a political and ideological template for Indigenous movements seeking to redefine their relationship with the Mexican national state and political community. Ironically, such autonomic movements have not been studied under the lens of nationalism even though Indigenous peoples have explicitly constructed a discourse around self-determination and collective rights, including their normative systems. Although some important studies have been made about the implications of customary rule for Indigenous women in Mexico, the relationships among Indigenous nationalism, gender and tradition have not been addressed. In this chapter, I will explore how these relationships have unfolded in the state of Oaxaca.

As argued in previous chapters, the Zapatista movement made the conflict between Indigenous women's aspirations and political autonomy visible. Nevertheless, limiting this phenomenon to the state of Chiapas would be a mistake, not only because the impact of the Zapatistas' struggle has gone beyond this region, but also because this phenomenon is an expression of the uneasy relationship between nationalism and feminism. Although in 1995, Oaxaca became the first state to pass an Indigenous Law recognizing Indigenous political autonomy, Indigenous normative systems and Indigenous traditional electoral procedures, few feminist studies have focused on the impact of this law on Indigenous peoples and, particularly, on Indigenous women.

In this context, several questions are important to ask in relation to the recognition of Indigenous autonomy. Why was local autonomy adopted in Oaxaca but not in other states such as Chiapas? Within Oaxaca, why was autonomy adopted in some municipalities and communities but not in others? Are women more disadvantaged and/or disenfranchised in autonomous communities and municipalities ruled by customary law than in those not explicitly ruled by Indigenous normative systems?

In this chapter, I discuss how in Oaxaca, as in Nunavut, the institutionalization of a new relationship between Indigenous peoples and the government was accompanied by important efforts to redefine Indigenous traditions, self-government, and women's relationship to their communities. I argue that the Oaxaca Indigenous Law, or *Ley Indígena de Oaxaca,* formulates a substantive recognition of cultural difference, which is built upon a model of self-government flexible enough to accommodate local nationalist aspirations through the recognition of Indigenous normative systems. Unlike the Indigenous peoples in Chiapas, those in Oaxaca have redefined and re-valued the "local" and "community" uses and customs as the nodal point of their Indianness or Indigenous identity. Since the recognition of Indigenous normative systems or "uses and custom" has been challenged because of its political uses in limiting Indigenous women's political participation, the state government pushed for the enshrinement of gender provisions in the Indigenous Law. Nonetheless, such provisions were a concession to facilitate the recognition of customary law, which would prevent opposition parties from strengthening their positions within Indigenous communities. Furthermore, these provisions lack legal strength to actually prevent gender discrimination. In order to show the diversity of Oaxaca and to explore why local autonomy based on customary law was adopted unevenly among Indigenous communities, I will contrast the cases of the Mixe and the Zapotec peoples.

Indigenous women in Mexico have struggled to make visible their aspiration to have a meaningful citizenship and have challenged the homogeneous constructions of Indigenous movements and demands. The debate around the recognition of Indigenous rights has opened up political spaces to define the homogenous model organisation of the Mexican state and the national project. At the same time, this debate has exposed other contradictions around equality and difference and, more precisely, about the place of Indigenous women's rights with Indigenous customary law.

As an ideological movement, nationalism seeks to create and maintain the autonomy and unity of the members of a determined social group. In this process, women's differentiated position and visions of the nation tend to be undermined because constructing nationalism is a matter of creating deep commonalities rather than of revealing internal cleavages. Although nations are contingent rather than universal, they are typically constructed as imagined communities, as "natural" and "universal" orderings of a remote political life (Gellner, 1988:20). Unlike Indigenous women in previous decades, today's Indigenous women are currently contributing to the deepening of these constructs' internal contradictions by questioning the nature of customary law and Indigenous tradition as the ultimate expressions of Indigenous identity.

The debate about the meaning of "Indigenous autonomy" in Mexico has been immersed in political tensions among different Indigenous peoples and regions. Oaxaca and Chiapas are perhaps where the most marked differences exist. In Chiapas, important efforts have been made to create a model of "pluri-ethnic" regional autonomy or at least multi-ethnic coalitions such as that of the Zapatistas discussed in Chapter IV, whereas in Oaxaca, historical communitarian conflicts and colonial dynamics resulted in the centrality of community in the social and material reproduction of Indigenous peoples' identity. In Chiapas, the national state has provided the face of a common enemy in most Indigenous communities, facilitating the creation of multi-group coalitions. In Oaxaca, in contrast, negotiations between the state and Indigenous peoples have been frequent (Stephen, 1996). These individual negotiations combined with a particular colonial past have resulted in the development of inter-communitarian conflicts involving land and borders, rather than in conflicts between Indigenous peoples and Spaniards and, later on the *Mestizo* people. In this sense, the historical interactions among the state, Indigenous peoples and organizations, land conflicts, and colonization in Oaxaca must be discussed to explain where these differences came from and how these elements contributed to the construction of local or fragmented nationalisms centred on the community.

In this chapter, I will first explain the historical context in which the development of Indigenous local nationalisms was possible by contrasting two different cases in Oaxaca: the Mixe and the Zapotec of the Tehuantepec Isthmus. Second, I will discuss how local nationalisms are related to the different meanings of political autonomy in Oaxaca. Third, I will analyse the implications of the Oaxaca Indigenous Law. Fourth, I will discuss the construction and representation of Indigenous customary laws as timeless traditions. Fifth, I will explore how the relationships among local nationalism, gender, and tradition unfold in both the Mixe and Zapotec cases. In addition to a literature review, this chapter relies on interviews conducted in December 2003 and January 2004, and on Indigenous organizations' primary documents such as communiqués, declarations, and minutes from workshops.

Oaxaca: between tradition and modernity

Oaxaca[1] is located in south-western Mexico, next to the states of Puebla, Chiapas, Guerrero and Veracruz. Oaxaca is the most diverse state and has Mexico's largest Indigenous population. According to the 2000 official data (CONAPO, 2004), 48.8% of the population belongs to one of the 21 Indigenous groups inhabiting this state. Oaxaca is divided into eight regions that have contributed to create unity out of the diversity, but also identity and difference (Velázquez, 2000: 15). Oaxaca has 570 municipalities, more than any other Mexican state.

---

[1] See map of Oaxaca.

When the Spaniards first arrived in what today is known as Oaxaca, they did not find a singular hegemonic nation like those in Central Mexico. Rather two important city-states, those of the Zapotecs and Mixtecs, controlled the territory. The former controlled part of the central valleys and the Tehuantepec Isthmus, and the latter controlled the central valleys and highlands. Historical studies have revealed that unlike the Indigenous communities in other regions in Mexico, those in Oaxaca were effective in resisting Spanish conquest and colonization and were able to accommodate themselves within the colonial structures. According to some authors (Taylor, 1972), this accommodation was partly due to the ability of Indigenous *cacicazgos,* or chiefdoms, to keep their land and convert some of it into private property in the early colonial period. As a result, the Indian Republic, or *República de indios*, managed to maintain possession of more lands than the Spaniards themselves (Romero Frizzi, 1996:137). Unlike Indigenous peoples in other regions, those in Oaxaca successfully used colonial courts to hold onto their lands throughout the colonial period. Even today, 85% of the land in Oaxaca is communally held, a figure representing the highest concentration of communal land tenure in Mexico (Velázquez, 2000: 17). Land conflicts in this state developed between Indigenous communities and between chiefdoms, which continued to accumulate land grants, rather than between Spaniards and

Indigenous communities (Taylor, 1972; Stephen, 2002). Unlike Chiapas' economic development, where cattle, coffee ranches, and logging operations dominated, creating conflicts between Indigenous peoples and Spaniards, Oaxaca's economic development focused primarily on small-scale farming. Thus, the relationship between Indigenous peoples and Spaniards in this state was not characterized by pressure for land, but by a more negotiated approach between the Indigenous caciques and Spaniards administrators, that allowed the former to keep most of their lands.

In the early colonial period, the Spanish Crown through the creation of the Indian Republic imposed a new government institution on Mexico: the municipality. Even though it was subordinated to the hierarchically superior Spanish institutions, Indigenous peoples effectively used this new institution scale to continue practicing their traditional forms of governance and social organization. According to some observers, this process was possible because Indigenous peoples creatively "indianized" the municipality, which helped Indigenous political identities and cultural capital to survive (Velázquez, 2000: 23). Nonetheless, not all Indigenous peoples had the same ability to "indianize" the municipality. The Zapotecs from the Tehuantepec Isthmus and Mixtecs from the central valleys, who had more complex social, economic, and political structures, were able to establish political alliances with the Spaniards in order to maintain their Indigenous ancestral rights and to resist colonial policies (Romero Frizzi, 1996: 108). Weaker peoples, in contrast, isolated themselves within their communities in order to resist, first, Zapotec and Mixtec domination and, later, colonial policies. Therefore, in Oaxaca the municipality and community became the sphere in which Indigenous peoples have historically defended their social organizations and collective rights. This phenomenon has resulted in a pattern of ethnic exclusivity. As I will show, contemporary Indigenous politics has been orientated towards winning greater autonomy for specific groups, rather than articulating a wider movement.

By the seventeenth century, the imposition of the Catholic Church and Spanish political values forced Indigenous communities to reorganize their political forces and forms of social organization. In the process, the Zapotecs' and Mixtecs' kinships were weakened. Historically subjugated communities saw this weakness as an opportunity to use colonial courts to claim territorial rights that, in some cases, never existed and to reject the political control that the Zapotecs and Mixtecs had managed to reinforce. If the municipality, as an adopted form of political organization, was being indianized, the Catholic Church was transforming Indigenous religion. These transformations resulted in syncretic forms of social and political organization in which Catholic religion and political positions merged into the cargo system. This is a hierarchical system of civil and religious organizations, which is represented as the basis of traditional forms of governance. The word *cargo* means 'post,' and within Indigenous communities, cargo systems are commonly referred to as the "ladder of services" or the "system of services."

Velázquez (1998: 109) showed that at least 411 of the 570 municipalities in Oaxaca operate according to this system. Through it, individuals are nominated to fill civil and religious positions within their communities or municipalities, relating to the administration of public justice, municipal politics, development, the Catholic Church, agrarian issues, community celebrations, mediation and diplomacy (Velázquez (1998: 297).

As occurred among the Nisga'a, in Oaxaca the increasing conversion of Indigenous peoples and the imposition of the municipality resulted in hybrid forms of social and political organization in which the Catholic religion and political positions merged. According to Velázquez (2000: 85-86), this result was possible because pre-contact Indigenous social organization had already combined politics and religion. Like the Anglican Church among the Nisga'a, the Catholic Church in Oaxaca identified and eventually recognized those who had power within Indigenous communities and who continued to reproduce elements of the old social order in the colonial order. Thus, the Indigenous peoples re-appropriated and "indianized" those non-Indigenous elements and institutions, which became the sphere where Indigenous peoples socially, politically and culturally reproduced. Perhaps Oaxaca's harsh topography and the difficulty of reaching most regions and communities helped communities to continue with such reproduction without later interventions.

In fact, Indigenous peoples were always jealous of their autonomy and rebelled against most interventions in their community affairs. However, Taylor (1979: 116) has documented that most of these rebellions in the colonial period were against individuals who personally embodied the abuse of power in local cases rather than against the colonial order as such.[2]

In some regions, such rebellions were specifically against the colonial order and later against the independent national state's intervention in community affairs. The Zapotecs in the Tehuantepec Isthmus are one of those peoples who have had a long history of struggling for autonomy. This region's history was marked by periodic rebellions against the Spaniards (Tutino, 1993; De la Cruz, 1983), and the Zapotecs continued after the revolution for the Mexican Independence concluded in 1821. As expected, the colonial rupture produced hostile political forces that challenged the continued centralism of the newly independent country because such centralism affected mostly the periphery.

Although the revolution for independence took place in name of "the people," the result for Indigenous peoples was far from positive. The new independent government that came to power in Oaxaca and elsewhere in Mexico was committed to building a "modern nation," which largely excluded Indigenous peoples, who made up to 87% of the population in states such as Oaxaca (Reina, 1988: 245, in Stephen, 2002: 224).

After the independence movement, the new political community was created on liberal principles aimed at abolishing the colonial social and political organization. Among the legislation that most affected Indigenous peoples were the laws oriented at eliminating colonial legislation in order to extinguish territorial rights. In Oaxaca, the Agrarian Law of 1826 removed the right of Indigenous authorities to represent their communities in court. Later, under the liberal regime of Benito Juárez, a Zapotec Indian from the central valleys, the *Leyes de Reforma* were passed to radically reorganize rural land tenure and to endorse economic individualism. As argued in Chapter II, the primary targets of such legislation were the Church and Indigenous communities. Nevertheless, the central valleys were the only places where Indigenous land disentitlement took place (Stephen, 1996). Elsewhere, Indigenous authorities were suspicious of such laws and either ignored them or rebelled against them (Berry, 1981: 177-78).

---

[2] For example, this historian documented how in 1719, an Indigenous woman named Mariana led a group of men and women against royal officials, priests and militiamen who had come to draw the limits of Santa Lucía, a community close to Oaxaca city.

In many regions such as the Tehuantepec Isthmus and the Mixtec region, Indigenous peoples rebelled against these measures. Only in some areas of the central valleys did a few Indigenous peoples support the new government initiatives. As Stephen (2002: 225) argues, these Indigenous rebellions in Oaxaca, like later revolts in Chiapas, suggest that the liberal reforms that started after the independence movement were actively resisted. While in the Mixtec and Mixe regions the Indigenous peoples used their guerrilla warfare experience, the rebellions in the Isthmus developed into political autonomist movements that would challenge the national state's authority.

As part of the implementation of the *Leyes de Reforma*, the state government allowed the privatization of the salt-water lagoons and the salt pans lining the seacoast of the Tehuantepec Isthmus, which were of major importance for the Zapotec, Chontal and Huave populations (Reina, 1988:255). In response, the Zapotecs of the Tehuantepec Isthmus rose up in arms not only against such privatization but also against the centralization of rents imposed by the government. The conflict initially motivated by the implementation of the *Leyes de Reforma* soon escalated into a movement to secede from Oaxaca.

For the Zapotecs, the defence of Indigenous communal lands was not only a matter of maintaining land as a means of production and material power, but also of protecting a 'territory,' understood as the source of emotional power and identity. From this perspective, the escalation of the conflict into a separatist movement meant that land and its resources were transformed into territory through a geographical expression of power (Sacks, 1986: 5). Thus, by asserting and delimiting control over a specific territory, the Zapotecs sought to control people and their relationships. However, this movement did not assume the form of a sovereignty movement; rather, it sought to expand its autonomy and power through the creation of a new territorial entity within the federal system.

The conflict that started in 1842 subsided with negotiations in 1845, when the national government offered to recognize some of the Zapotecs' territorial rights. However, the government did not follow up its offer because Mexico was at war with the United States. Later in 1848, when Benito Juárez took office as governor, he was determined to stabilize what he saw as "chaos" in the Isthmus. He appointed a Zapotec local leader of the previous resistance, José Gregorio

Meléndez (also known as *Che Gorio Melendre*), to lead the militia to enforce state power.

Meléndez refused to represent the state government and, instead, he declared the separation of the Isthmus from Oaxaca and the constitution of a separated territory.[3] For several years, the Zapotecs defied state authority and ruled themselves, used the salt beds, and continued to cultivate disputed lands. The separatist movement was later repressed when Juárez, determined to reinforce his liberal agenda of privatizing lands and salt beds, asked for the state army to be sent to Juchitán, one of the main cities in the Isthmus, in 1851. The government could not pacify the angry Zapotecs, who forced the army to leave. In 1851, Juárez assembled a larger army, secured the surrender of the Zapotecs and installed a municipal government loyal to the state government. As the statement below shows, when Juárez was the state governor, he demanded that the federal government suppress this territory because of "natural" geographic reasons and the Zapotecs' alleged incapacity to govern themselves:

> When the Isthmus territory was separated from Oaxaca, more hurt than good was done to the peoples of that region which recognized Oaxaca as their centre..... The Tehuantepec Isthmus will be great one day, but today the small population, the lack of culture and people's incapacity to govern themselves, make it imperative to have a [Oaxaca] government taking care of these people and of their development and progress. By separating the Tehuantepec Isthmus from Oaxaca, the natural geographical division has been altered and the possibilities of having a central government responding to people's need disrupted. These are the reasons to demand the suppression of this territory and to annex it to Oaxaca. (Juárez, 1856).

---

[3] This form of territorial jurisdiction does not exist anymore in the Mexican federal system and was equivalent to a state although with reduced powers.

The federal government ordered the suppression of the territory of Tehuantepec, and the state government regained control of Juchitán. However, resistance remained in the Zapotecs' collective memory. Juárez is, among Indigenous peoples, one of the most controversial figures in Mexican history. Mexican state nationalism portrayed him as the "good assimilated Indian," who became one of the fathers of the Mexican modern nation. However, the Zapotecs from the Isthmus perceive Juárez was the traitor responsible for the siege of Juchitán and the suppression of Zapotec demands for political autonomy (López Monjardín, 1983). Historically, the militant identity of the Tehuantepec Isthmus Zapotecs has strengthened in relation to the continued rivalry between this region and Oaxaca City's political elite, whom the Zapotecs call *Vallestocracia*.[4]

Besides the rivalry between the central valleys and the Tehuantepec Isthmus and the liberal centralized nation-building process, an additional factor helps to explain the strong interest in suppressing the Zapotec separatist movement and seeking this region's re-annexation to Oaxaca. The Tehuantepec Isthmus has historically been an important geopolitical region not only because its connection to Central America became important after Mexico annexed Guatemala, but also because this region has been an inter- oceanic connection of special interest to the United States. The U.S. has pretended to use this inter-oceanic connection as an alternative to the Panama Canal. However, the small population of the Tehuantepec Isthmus at that time meant that it could be easily invaded. The federal government believed that this region needed to be colonized according to the U.S.'s 'farmers way' model. Such a colonization process soon ended up in a process of indigenous land dispossession (Rajchenberg and Héau-Lambert, 2002: 33).

---

[4] This term refers to the central valley aristocracy.

At the end of the nineteenth century, the process of Indigenous land privatization accelerated in most communities. As this process advanced, conflicts between communities increased together with mobilizations aimed at defending collective land tenure. By 1910, almost 53% of Oaxaca's land was privatized (Esparza, 1988: 290); thus, this state underwent important transformations. Chassen-López (1994: 33) contends that *comumeros* became private owners of small plots while private large owners established *fincas* in large tracts of land. Because indigenous communities had retained much more land before the independence movement, the outcome of liberal reforms in Oaxaca was not as devastating as it was in Chiapas, where most Indigenous peoples had become landless servants and part of the rural workforce (Harvey, 1998: 59).

Some analysts (Waterbury, 1975) have pointed out that during the Mexican Revolution in 1910, Indigenous peasants got involved in the movement to defend the status quo. In contrast, others (Ruiz Cervantes, 1990; Knight, 1986) have documented that important rebellions took place in Oaxaca and were driven by currents of Zapatismo and the revival of the secessionist movement in the Isthmus.

In 1911, a regional rebellion led by Che Gómez erupted again in Juchitán to overthrow an imposed major, who had arrived in Juchitán with hundreds of soldiers. Thousands of Gómez supporters came to meet the imposed major, and after battling with federal troops, the *Chegomistas* retreated to allied villages (Cambell, 1990: 161). Gómez called for independence from Oaxaca and for the establishment of a sovereign Isthmus territory. He was killed by the governor's agents, but the rebellion continued for several months.

Similarly, a sovereignty movement developed in Oaxaca. This state's declaration of independence from the Mexican nation was one of the most relevant state-wide movements between 1915 and 1920. This movement responded to the federal government's political centralization and reflected the tension among the different regional political elites: Mexico City's political elite, who wanted to concentrate power; Oaxaca's central valleys political elite, who wanted to maintain this state's constitutional sovereignty; and the municipalities' and communities' political elites, who wanted to secure local autonomy. Benson (1995) and Merino (2004) have shown that the Mexican federalism was not born as a result of a foundational pact but of a conflict. In other words, this federal system was not born out of the will of independent states that decided to join the federation because it would bring them long-term benefits. Rather, this federal system emerged as a result of regional discontent due to Mexico City's political obsession with centralised power.

The sovereignty movement did little to endear Oaxaca to the national revolutionary government. Although one of the most important objectives of the

Mexican revolution was to restore to the communities the *ejidos* and common lands that belonged to them, in Oaxaca petitions for land were not always successful (Ruiz Cervantes, 1988: 390). Because of the sovereignty movement, many Oaxacans distanced themselves from the revolutionary national government, and Oaxaca's state constitution was not changed to match the national constitution of 1917 until five years later. In Oaxaca's political constitution of 1922, the notion of the "free municipality" was enshrined as a result of regional demands for local autonomy. In fact, the creation of new municipalities in this state became a means through which communities defended and maintained their autonomy.

In the post-revolutionary period, municipal sovereignty met resistance from Oaxaca's revolutionary governments, which wanted to control municipal life. This shows that the different political actors who became involved in the sovereignty movement did so for different reasons. While for most Oaxaca governments in the post-revolutionary period, the imperative was to consolidate this state's sovereignty in opposition to the central government, the regional leaders also used the sovereignty movement to try to guarantee municipal freedom (Martínez, 1993).

Esteva (2000: 187) has pointed out that even though the municipality was resented as a tool of European domination, Indigenous peoples struggled for centuries to use it for their own ends and to regulate their conflicts with the government and the mainstream society. This argument explains the most important reason why Oaxaca has only 5% of Mexico's population but 20% of the country's municipalities. Indigenous peoples are still struggling to create new municipalities and to expand their functions and operations. Therefore, in Oaxaca the continuous creation of municipalities, some of which do not even reach the minimum population size legally required, represents a constant struggle to maintain local autonomy.

Although struggles for local autonomy remained, the political dynamics in this state later changed. In the mid 1930s, under the Lázaro Cárdenas government (1934-1940) the state government and the central valleys' communities became more sympathetic to the federal government. Cárdenas succeeded in implementing his corporatist policies in Oaxaca, focusing on the creation of peasant and labour organizations with strong ties to the federal government. Through such organizations, national ideologies entered the local circuits of community history in Oaxaca (Stephen, 2002: 233). Most important, through these national ideologies, the government succeeded in creating a sense of belonging to the Mexican nation by creating links between the government and the governed.

Knowing that the land issue was the basis of any autonomic movement in Oaxaca, Cárdenas created a significant number of *ejidos,* which changed the lives of several landless communities. His policies were clearly aimed at diluting the strength of the sovereignty movement in Oaxaca and at facilitating more cooperation with the state government. The creation of *ejidos*[5] in Oaxaca created a new scenario for the continuity of territorial rights and for the social reconstruction of numerous landless communities (Velázquez, 2000: 51).

---

[5] The word "ejido" in Spanish refers, on the one hand, to the plot allotted to individual but also to a set of plots that together constitute a community or "ejidal community".

Whereas important social sectors in Chiapas rejected the federal government's policies, these sectors in Oaxaca embraced Cardenist policies not only because of the creation of *ejidos* and the restoration of communal lands, but also because of Cardenas' support of some Indigenous demands. For example, during the Cárdenas government's rule, an ethnically homogeneous district composed of the Mixe people, and promoted by two local *caciques*, was created. The document proposing the creation of this district was submitted to the Oaxaca legislature in 1936 and read as follows:

> The way in which the Mixe communities have been divided has worked against their collective interests and has left them completely abandoned.....Consider the benefits of the creation of this district will represent for a race that was never conquered by the Spanish and is the pride not only of Oaxaca, but of Mexico. The creation of a Mixe district will have the primary consequence of unifying all the Mixe communities by allowing them to share their public resources and income, their criminal justice systems and by avoiding many of the problems we have as a result of being separated. (in Gómez Santos, 1996: 8).

The creation of this district in 1938, granting greater autonomy to the Mixes, represents a unique event in Mexico because this district is the only one which Indigenous people politically organized and structured based on its culture (Nahmad Sittón, 2003: 99). The nationalist language used in the document justified the creation of a district intended to unite the different Mixe communities into one people and "a unique family, in true union as one race" (Aguliar, 1992) Historically, the Mixe were subjugated by their Zapotec neighbours, who controlled regional markets and the political processes. According to Stephen (1996: 8), this ethnic tension contributed to the creation of the Mixe district. Currently, the Mixe and the Zapotecs are actively involved in the politics of political autonomy at the national level. While the Mixe have advanced a "mono-ethnic" communitarian autonomic alternative based on Indigenous normative systems, the Zapotecs promote municipal autonomy based on electoral muti-party politics, as I will show later.

Nevertheless, not only the Mixe started to construct an incipient nationalist discourse, for by the 1930s in Mexico City, a generation of Zapotec intellectuals created the New Society of Juchiteco Students and started publishing the magazine *Neza*. This society was concerned mainly with reviving the Zapotec culture and language. However, the movement to recover and revalue the Tehuantepec Isthmus Zapotec language and culture was not restricted to educated people living in Mexico City but also developed among other people with strong attachments to their community (De la Cruz, 2004: 243). The revival of the Zapotec culture and language, or the "*rezapotequización process*" as this movement was known, was at that time and still is a mechanism through which the Zapotec elite have sought to control economic and political power, which in those years were being challenged by outside elites or *dxu'*[6], particularly in the context of the Cardenist policies (Peterson Royce, 1975: 2003, Miano Borruso, 2002: 99).

---

[6] In the Zapotec language, the word *dxu'* refers to those who are neither Zapotec or Indigenous but Mestizos or foreigners.

The Lázaro Cárdenas government institutionalized a corporatist strategy, which was effective not only in disseminating Mexican nationalism, but also in changing the landscape of Oaxaca's Indigenous politics. As Cardenas was committed to state corporativism, he also promoted and encouraged the development of an Indigenous government policy or *indigenismo*, which was aimed at assimilating Indigenous peoples into the mainstream society. In this context, policy makers used Indigenous languages as the most effective means to convert Indigenous peoples into Spanish speakers and to integrate them into the *Mestizo* culture and values (Gutiérrez Chong, 1999). In some regions more than others, corporativism and *indigenismo* were manifested through several elements: the adoption of the party system; the strengthening of local *caciques*; the creation of a rural base of support for Cardenist policies and for the PRI; and the formation of an Indigenous educated elite, who became the brokers who facilitated state control over Indigenous communities (Trejo, 2004: 374). After Cardenas left power in 1940, both corporativism and *indigenismo* continued.

Although central, corporativism and *indigensm* alone cannot account for the nature of Indigenous politics in Oaxaca. It has been commonly believed that until the 1970s, most Indigenous and peasant organizations in Mexico were created and controlled by the national state's structures. However, Gordillo (1988: 33) showed that at least 20% of the *ejidos* were involved in some kind of autonomous organization outside of state control. Nonetheless, Gordillo acknowledged that autonomous organizations had difficulty avoiding all contact with the state's structures because the Mexican national state continued to carry on important activities and functions such as those involving land distribution, loans and commercialization channels. However, this situation changed later on.

Before the 1960s, the rural sector played an important role in the growth of the national economy, but during the 1960s, the agricultural production declined while an economic crisis affected all social sectors. Since these processes' negative consequences severely affected rural communities, they also started to distance themselves from the state's corporatism and the PRI.

The decline of the rural economy and the economic crisis in Mexico in the 1960s increased Oaxaca Indigenous peoples' migration to the United States. In fact, a major difference between Oaxaca and Chiapas has been the role of international migration. While a number of people in Chiapas have worked as migrant labourers in the U.S., many others have remained in Chiapas, or at least in Mexico. Oaxaca, in contrast, has been a pipeline to the U.S. Since the 1940s, when the second U.S. Bracero program[7] reached down into Oaxaca, workers were recruited from throughout the central valleys and elsewhere until 1964 when the program ended. However, many continued to migrate to the U.S. even after the program had officially ended because its termination had occurred in the context of the severe economic and agricultural crisis in Mexico.

The conditions of life, the lack of opportunities and of municipal democracy experienced by rural communities and particularly by the Indigenous population, was one of the most important elements contributing to the re-emergence of the

Indigenous movement in Oaxaca in the 1970s. The dominant explanations of Indigenous protest in Mexico have linked the emergence of the Indigenous movement to the collapse of import-substitution industrialization (Stavenhagen, 1992). The agricultural crisis, in which most agricultural programs were dismantled without offering new alternatives for rural communities, was combined with an agrarian reform that took place in the mid 1960s and which deepened political dissent.

Particularly focused on land distribution, the Indigenous movement gradually moved from making peasant demands to articulating Indigenous nationalist claims. This shift occurred thanks to a network of Indigenous intellectuals, who took on the task of re-valuing their culture through painting, literature, and so on. Slowly, this group of people started to articulate a discourse insisting that Indigenous struggles were aimed at maintaining and defending cultural distinctiveness and promoting traditional relations within the community. From this perspective, the Indigenous peoples' history and traditional way of life, and customs were recuperated and presented as an alternative to the depressing conditions of life faced by these communities. However, although these conditions of life were experienced by Indigenous communities in different states in Mexico, not all these peoples responded with the same strategies of dissent.

Chiapas, for instance, has witnessed more peasant-Indigenous protests than any other state in Mexico. As Trejo (2004) has demonstrated, Indigenous

---

[7] The Bracero program was launched by the Mexican and the U.S. governments during the World War II to replace workers drafted into the U.S. military.

mobilizations grew on average every decade until they culminated in the armed Zapatista uprising in 1994. Oaxaca, in contrast, has persistently experienced intermediate levels of protest. Although in the 1980s, Oaxaca followed a similar trend to that of Chiapas, the intensity of the protests and the levels of violence have been lower in Oaxaca than in Chiapas. According to some observers, this difference is explained largely by the nature of Oaxaca's political system, which is characterized by political bargaining (Trejo, 2004: 377; Stephen, 2002: 220). Furthermore, others argue that the formation of an educated Indigenous elite in Oaxaca and this elite's successful inclusion in governmental agencies created important links that have facilitated negotiations between the government and the opposition (Rubin, 1991; Hernandez-Diaz, 2001).

One of the most important Indigenous organizations formed in the 1970s is the Coalición *de Obreros, Campesinos y Estudiantes del Istmo* (Isthmus Coalition of Workers, Peasants, and Students) or COCEI. It has been active in the politics of Indigenous autonomy both in Oaxaca and at the national level and in opening channels of political negotiation. Through the establishment of a grassroots movement, this organization succeeded in addressing issues involving land claims, loans, wages, benefits and broader municipal powers (Rubin, 1990: 250). Together with this political organization, the Zapotecs also founded the Culture's House (*Casa de la Cultura*) and the magazine *Guchachi' Reza*, which became important political instruments for the Zapotec nationalist movement.

According to Cambell (1993: 215), the COCEI used its Zapotec identity as an active form of resistance to government domination and exploitative forms of capitalist development within Indigenous territories. As one of the Zapotec leaders pointed out,

> It was not only a matter of resisting federal government domination and exploitation but also of battling Spanish and *mestizo* culture. The most important feature of our identity is the Zapotec language. We are very proud of being Zapotecs or Binnizá,[8] so the political movement was also to promote our culture and language and make it the official language in the municipal government and business. (Interviewed in Juchitán, Oaxaca, Novemember, 2003)

As noted in Chapter II, Indigenous organizations in Mexico during the 1970s fell into three main categories: (1) those that focused on ethnicity or cultural elements, (2) those that underlined class position, and (3) those that emphasized Indigenous political identity. The Zapotecs articulated the first and the third strategies, addressing on the Zapotecs' demands as workers, students and peasants. Juchitán is one of the few Indigenous urban centres in Mexico, thus, its population does not exclusively work in the countryside. In this sense, COCEI focused its struggle on democratization and municipal autonomy, which were important in the Mexican political scenario of the 1970s and early 1980s.

In these years, some political reforms had already allowed the creation of new opposition parties, but the PRI continued to be the state party. Thus, it is not surprising that Indigenous organizations made inroads in local electoral politics and anti-*cacique* and pro-democracy movements aimed at gaining control over municipal governments and political processes (Hernández Navarro, 1999). In electoral politics, Indigenous organizations such as the COCEI made important alliances with opposition parties such as the *Partido Comunista Mexicano* (Mexican Communist Party); later, with the *Partido Socialista Unificado de Mexico* (Unified Socialist Party of Mexico); and more recently, with the PRD.

In the late 1970s, government *indigenism* or governmental Indigenous policies and institutions channelled most of their resources into Oaxaca and the Indigenous intelligentsia, who became the mediator between the state and Indigenous communities. The purpose of this attention was to "encourage" Indigenous organizations to adopt cultural or ethnical claims in order to diminish the influence of the COCEI's struggle for municipal and electoral democratization. As a result of the *indigenism* of these years, several organisations were created to demand the recognition of Indigenous rights, the recognition of Indigenous languages as official languages, and the recognition of ancestral Indigenous cultures and practices (Hernández-Diaz, 1993:47).

Ironically, the government's promotion of Indigenous issues within a framework of rights proved to have unexpected consequences as other organizations used a more politicized version of this human rights discourse to address old issues and struggles. Indigenous organizations started to revive the name of their peoples, Zapotecs, Triquis, Mixes and so on, in a clear attempt to re-evaluate their Indigenous identity and to assert territorial rights. In this regard, a Mixe leader noted:

---

[8] *Binnizá* means people of the clouds.

> As Indigenous peoples we have always had a sense of who we are. However, it was in the 1980s that our organisations started to clearly use our peoples' name and to vindicate our identity and also to demand the right to self-determination. The more this demand was rejected, the more we elaborated on why and how this autonomy should be recognised. (San Juan Guixicovi, Oaxaca, December 2003).

In the mid 1980s, several important organizations were formed such as the *Asamblea de Productores Mixes* (Assembly of Mixe Producers) and SER or *Sevicios del Pueblo Mixe* (Services of the Mixe People). While the first organization addressed the concerns of producers and challenged local *caciques'* power, the second one focused on ethnically oriented demands. At the same time, other Indigenous organizations such as the *Organización en Defensa de los Recursos Naturales y Desarrollo Social de la Sierra Juárez* (the Organization for the Defense of Natural Resources and Social Development in the Juárez Higland or ODRENSIJ) and the *Comité por la Defensa de los Derechos Naturales y Humanos Mixes* (Committee for the Defense of the Mixe Natural and Human Resources or CODREMI) focused on "old issues" such as land and natural resources. Moreover, these organizations did so by framing their struggle within an explicit discourse of Indigenous human rights.

Jung (2003:437) has observed that the rise of Indigenous politics is associated with economic transformations and political initiatives redefining the role of the state and also with the expansion of a discourse of the international human rights regime including collective rights and cultural protection. From this perspective, most of the organizations created in the mid and late 1980s were formed by Indigenous bilingual teachers and anthropologists concerned with the revival of Indigenous culture, Indigenous rights and communitarian autonomy. An Indigenous leader from the Mixe region observed:

> At the beginning it was difficult to get the community to participate. We had to work hard in convincing community authorities in order to discuss about projects that could be implemented and so on. At the beginning, the authorities saw us as those who had left the community to go to study. However, such perception slowly changed until we became those who left but came back with new ideas and information but anxious to help our community. (San Juan Guixicovi, Oaxaca, November, 2003)

In Oaxaca as in Chiapas, the dissemination of a discourse on Indigenous rights occurred through the involvement of external actors such as one wing of the Catholic Church and national and international NGOs. As Jung (2003: 436) notes, Indigenous identity forged new political spaces, alliances, and strategies that insert new political actors into the public discourse. In the case of Oaxaca, such dissemination found a more fertile ground than in other places because of the historical emphasis on Indigenous autonomy. This phenomenon explains why the assertion of Indigenous rights and self-determination occurred first in Oaxaca and not in Chiapas.

Besides the difference between the Chiapas' Indigenous redefined nationalism and Oaxaca's local nationalisms, an additional difference between these two states, which has affected the nature of the Indigenous movement, has been the role of bi-national migration and of what has been termed "transnational communities" (Kearney, 1996). Historically, international migration was to some extent a safety valve that reduced pressures on land and rural poverty. Today, however, Indigenous migrants are playing a more political role, building new organisations that span national boundaries. They form community associations in Mexico, which have sometimes challenged local bosses, while they also work to improve the rights of migrant workers in the U.S. These transnational Indigenous organisations tend to be ethnically inclusive. The *Frente Indígena Oaxaqueño Binacional* (Oaxacan Binational Indigenous Front or FIOB), for example, not only brings Mixtecs and Zapotecs together, but is also working to bring in other groups like the Triques and Mixes in order to overcome the political divisions existing in Oaxaca. These new transnational Indigenous organisations are capable of putting considerable pressure on governments and exploiting the media effectively. They also have the backing of NGOs such as human rights organisations and aid agencies. In this regard, an Indigenous human rights leader observed:

> There is no doubt, organizations such as FIOB have had a great impact on how the Indigenous movement is articulated in Oaxaca. The FIOB has taken to the international arena many of our political concerns and demands as Indigenous peoples, particularly Indigenous collective rights. But not only that. Thanks to the money sent by migrant workers, Oaxaca has not become a volcano ready to burn like Chiapas. This has helped to decompress the social and political tensions here in Oaxaca. (Matías Romero, Oaxaca, November, 2003)

All these historical, political and economic factors have shaped the Indigenous politics in Oaxaca and the construction of a local nationalism, which is expressed in a strong sense of cultural identity and attachment to a specific territory that is, nonetheless, limited to the community or municipality.

Indigenous autonomy and its different meanings

By the 1990s, the discourse on Indigenous rights had been widely spread among Indigenous organizations, which actively participated in different forums to discuss the impact of the Constitutional reform to Articles 4 and 27, the meaning of the V Centennial for Indigenous peoples, and the nature of Indigenous human rights. Discourses on Indigenous rights addressed the defense of territories and natural resources, political autonomy, and Indigenous customary laws. However, the content of these discourses differed and was linked to the alliances different Indigenous peoples and organisations had established with different external actors such as one wing of the Catholic Church, NGOs, municipal authorities, and government agencies.

As I argued in Chapter IV, these non-Indigenous political actors accompanied, supported and advised Indigenous communities and organisations, while disseminating a discourse about human rights. However, as noted previously, these human rights discourses were not simply entitlements based on notions of justice. Rather, to Indigenous peoples, these discourses are bound up with the assertion to self-determination (Gledhill, 1997; Merry, 1997; Wilson, 1997). From this perspective, Indigenous peoples and communities did not passively receive these discourses. Instead, they were reformulated according to the peoples' local and collective identities.

Although in general in Oaxaca, a strong sense of local identification has historically existed and been linked to the defense of municipal and communal autonomy, it has had different meanings for the Indigenous peoples in this state, particularly after the emergence of the EZLN on January 1st, 1994. This event helped to intensify the debate on the substantive recognition of Indigenous collective rights and to legitimise Indigenous governance practices as essential to Indigenous peoplehood.

Most Indigenous organizations in both Oaxaca and Chiapas agreed about the need to recognize Indigenous autonomy as the expression of Indigenous self-determination. Nevertheless, these organisations have had different visions of autonomy, which are largely a result of their historical differences and of how politics has developed in different regions. Most observers (Assies, van der Haar and Hoekema, 1999; Stephen, 2001,) agree that Indigenous organizations in Oaxaca have supported a model of autonomy centred on the local or community. This "communalist" approach stands in contrast to the "autonomous regions" perspective promoted in Chiapas. Although this argument is correct, we should not underestimate other perspectives that also exist in Oaxaca such as that of the Zapotecs. As I argued earlier, the Zapotecs are concerned with municipal autonomy and electoral politics rather than with customary law. Furthermore, these two perspectives are ethically exclusive in contrast to the perspective developed in Chiapas.

According to several leaders supporting the communalist perspective I interviewed in Oaxaca, Indigenous normative systems can be considered one of, if not the most important cultural feature in, Indigenous communities. According to these interviewees, customary laws have helped Indigenous peoples to resist cultural assimilation and to promote communitarian solidarity. These leaders observed that Indigenous normative systems have been important both to promote cultural survival and to compensate for the inadequacy of the national justice system within Indigenous communities. Thus, any form of political autonomy must recognize customary laws. In contrast, several supporters of the municipalist perspective in Oaxaca argued in interviews that political autonomy involves more than politics based on normative systems. Interviewees supporting this perspective argued that since we live now in a complex world, Indigenous people are workers, students and peasants and are divided along class lines. Thus, this diversity has to be acknowledged.

Given the two different approaches to autonomy in Oaxaca, the main debate has centred on the communalist versus the autonomous regions perspective. The communalist perspective has been characterized as a limited self-government model that does not represent a challenge to the Mexican political system. In contrast, the autonomous regions perspective is conceived as a far-reaching, ethnically inclusive model of autonomy aimed at transforming the federal system. Since the debate has undermined other possible perspectives, many observers have assumed the Indigenous autonomic approach in Oaxaca is only communalist. Thus, it is not surprising that at different meetings, Indigenous organizations from different regions have debated the merits of communal autonomy and of regional autonomy. Nevertheless, each perspective expresses the dynamics of Indigenous politics in both Oaxaca and Chiapas.

In Jaltepec de Candoyoc, Oaxaca, in October 1993, at the Latin American Indian Symposium organized by Indigenous organizations such as SER to discuss Indigenous rights, most representatives agreed that Indigenous autonomy was an expression of Indigenous peoples' right to self-determination. According to SER's representatives, the right to self-determination is expressed by Indigenous communities', peoples' and nations' aspirations to be ruled according to their own normative systems.

To SER, Oaxaca's justice system and the Indigenous normative systems are based on different *cosmovisions* or worldviews; thus, a profound transformation of the state justice system is needed in order to accommodate a plurality of Indigenous normative systems. Similarly, the participants at the Symposium acknowledged that political autonomy can be exercised at different levels depending on the reality of different Indigenous communities (Declaración de Jaltepec, October, 1995). As I will show later, academics strongly disagree about the origins of what is considered to be the 'traditional' Indigenous governance system in Oaxaca. However, Indigenous peoples claim the current governance systems practiced in most communities to be "traditional".

Later, in responding to the EZLN's call upon civil society, the Second National Convention was held in Juchitán, Oaxaca. The goal of this and similar meetings was to push for a unique autonomic proposal, which would be presented at the National Dialogue on Indigenous Rights and Culture as "the Indigenous proposal." This time, the COCEI played an important role as organizer. During this meeting, two issues were particularly important. First, participants insisted on using the concept of ”original peoples, nations or Indigenous peoples” and not the concept of “ethnic groups” as it had been used in Mexico, particularly among anthropologists. Second, some Indigenous leaders from Chiapas promoted the autonomous regions proposal. According to its advocates, this proposal required the creation of new municipal and regional entities with wider powers than the existing ones. A Tojolabal leader stated:

> We are talking about a territory formed by several Indigenous peoples, communities and municipalities. If we reach an agreement, we could have our own territory and that territory its own government and that government its own administration and its own laws. We are talking about a project of national liberation. In order to talk about national democracy, in order for democracy to exist, we the original peoples have to be free and our thoughts free (in Hernández-Díaz,2001: 291)

The autonomous regions perspective, according to its advocates, should be constitutionally recognized as a fourth order of government, and Indigenous peoples and non-Indigenous peoples should coexist. In some respects, the autonomous regions proposal resembles Nunavut’s model of public self-government. However, to many Indigenous organizations in Oaxaca, a multi-ethnic proposal like the autonomous regions proposal could be applied to Chiapas but not to Oaxaca, where the community and its local Indigenous normative system are central. Moreover, historical relations of domination among Indigenous peoples in Oaxaca have made constructing an inclusive nationalism difficult. In addition, unlike the Indigenous peoples in Chiapas, those in Oaxaca have effectively controlled their communal lands through municipal institutions. In Oaxaca, in 300 out of 570 municipalities, the majority of the population is Indigenous; thus, Indigenous peoples actually govern themselves (Recondo, 2001: 93).

As Indigenous customary laws are crucial to Indigenous governance in many communities in Oaxaca, many people asked whose customary law would prevail, given that the autonomous regions are constituted by different Indigenous peoples. Who would define the customary law for that particular region? How would human rights be reconciled with customary law? In fact, these questions showed the extent to which some of the government's functions in the model of autonomous regions were still unclear to Indigenous peoples in Oaxaca.

In contrast, to the proponents of the autonomous regions, the communalist autonomy is a restricted autonomy and a colonial remnant. It constitutes an autonomy *de facto* and not an autonomy based on rights. Aracely Burguete and Margarito Ruiz, two of the advocates of the autonomous regions, wrote:

> As we all know, there is a tradition of autonomy based on the social praxis in most Indigenous regions but this is a restricted autonomy. This form of autonomy originated from the negotiations between colonial powers and Indigenous communities and rested on a non-conflictive relationship between Indigenous authorities and colonial civil servants. This restrictive autonomy allowed the social reproduction of Indigenous ethnic identities as we know them today. We must emphasize that much of that colonial ideology that allowed colonial oppression has penetrated what anthropologists call Indigenous cultures. Because these Indigenous cultures are the result of oppression, marginalization and indifference, we can say restrictive autonomy is antidemocratic....The autonomy that Indigenous peoples want to achieve today is based on an affirmative and libertarian ethnic identity, on which it is possible to

> build contemporary autonomic regimes that are democratic and respectful of equality. (1996:33)

At the following meetings, the Mixe organization SER expressed its scepticism about the autonomous regions proposal and instead defended the communal perspective:

> Autonomy is the collective exercise of Indigenous peoples' self-determination and we have demanded so since a long time ago. We do not wish to secede from Mexico, we want more freedom to possess, control and manage our territories and to rule our political, economic, social and cultural life. We emphasize communitarian autonomy because it expresses the reality of the Mixes, whose historical circumstance have developed and maintained community values. Therefore, we demand the inalienability of our communal lands, full respect for our community laws in all aspects of community life and we demand the recognition of our Indigenous normative system (SER, 1996).

For the Mixes of eastern Oaxaca, the exercise of autonomy is best practiced from below, that is, from the community level. This people's concern is that the creation of regional autonomies could create the conditions for the emergence of new *caciques* and reduce the freedom of individual Indigenous groups. The Mixes tend to favour "mono-ethnic" over "multi-ethnic" autonomy because of long-standing conflicts they have had with other Indigenous peoples in the region, especially the Zapotec.

In addition, a closer exploration of the "communalist" and the "autonomous regions" perspectives also reveals additional differences and political links. The "communalist" perspective supporters have local roots but are linked with international NGOs and Churches. In contrast, the autonomous regions perspective supporters are identified with the national Indigenous movement as a whole and have strong links with other Indigenous organizations and political parties (Hernandez-Diaz, 2001: 329).

Moreover, experiences of communal autonomy are a daily reality throughout Mexico but particularly in Oaxaca. As argued previously, in the colonial period, Indigenous peoples were either encouraged or forced to reproduce themselves in small, 'closed corporate' communities, which became the center of Indigenous life. In most communities, local leaders are elected by communal assemblies, and infractions of the law are dealt with internally without recourse to external authorities (Cancian, 1992). Thus, a functional 'regime of autonomy' already exists in Oaxaca (Mattiace, 1997).

Although different in content, these two proposals for political autonomy are based on the assertion of peoplehood and include fundamental Indigenous territorial demands. Unlike previous Indigenous agrarian movements, the current Indigenous peoples' movements in Mexico defend Indigenous territory not only as a space for survival and material power, but as a source of emotional power, a geography through which human experiences are filtered and united (Penrose, 2002: 279). Unlike Indigenous peoples in Chiapas, those in Oaxaca have notions of kinship and relatedness that are the prime movers in Indigenous collective identification and in the construction of ethically exclusive local nationalisms.

Even though these two proposals of autonomy link territory, power, culture and resources, they differ on how to exercise self-determination. On the one hand, the autonomous regions proposal is a model oriented to exercise power in a large area through the creation of an additional level of government compatible with Mexican federalism. On the other, the communal model of autonomy is limited in scope but heavily rooted in tradition and Indigenous normative systems, which are as diverse as the communities themselves. As I will show in the next section, Oaxaca's Indigenous Law was aimed at accommodating tradition and normative systems rather than at expanding the scope of Indigenous powers.

The Oaxaca Indigenous Law and the paradoxes of tradition

Although the demand for the recognition of customary law started in the 1970s, the government did not begin to consider this claim until the 1990s. In March 21, 1994 three months after the Zapatista uprising in the neighbouring state of Chiapas, the then governor of Oaxaca presented a proposal for a new pact between the government and Indigenous peoples. This proposal contained important initiatives for reforms in favour of Indigenous communities: the electoral reforms to recognize Indigenous traditional forms of electing authorities and customary law, and the Oaxaca Indigenous Law. These initiatives were passed in 1995 and 1998, respectively, by the local congress (Ríos Morales, 2001: 79).

In 1995, the issue of Indigenous peoples' "uses and customs," or customary law, became crucial in Oaxaca, when different Indigenous organisations, particularly from the North and Mazatec highlands, started to demand the recognition of their traditional forms of electing authorities and the representation of their peoples in the local congress (Gijsbers, 1999: 9). From the Indigenous peoples' point of view, the demand for recognition of Indigenous normative systems had to do with stopping the PRI from abusing the electoral system and from imposing its representatives upon Indigenous communities. The question, nonetheless, involves why the local constitution was reformed during this time. Using the "political opportunity structure" framework, Anaya Muñoz (2004), explains that this shift was possible due to a combination of factors: a crisis of political legitimacy in Oaxaca and Indigenous groups' access to influential allies within the governor's office.

Although a superficial account of these constitutional reforms in Oaxaca limits this event to the Oaxaca government's efforts to prevent the Indigenous movement from emulating the Zapatista uprising, additional factors also influenced these reforms. First, Oaxaca had a long history of Indigenous political mobilisations for autonomy. Second, the negotiations between the Zapatista Army and the federal government on Indigenous rights were strongly supported by Indigenous organizations in Oaxaca. Third, recognition of indigenous autonomy was easier in Oaxaca than in other states because the Indigenous elites already governed a significant proportion of the municipalities through party-based elections. Fourth, the recognition of Indigenous customary law, particularly the electoral reform to recognize Indigenous traditional forms of electing authorities, was aimed at stopping or at least decreasing the influence of opposition political parties, particularly the PRD, in Indigenous communities and municipalities (Recondo, 2001: 94). From the point of view of the PRI, if this party could no longer claim to control these Indigenous communities, at least they would not be controlled by the opposition parties.

As explained previously, state corporativism introduced important changes into the political life of Indigenous peoples. In most cases, the Indigenous ruling class allied with the PRI and maintained a clientelist relationship that this party fought to preserve. To some degree, this situation explains why the electoral reform to recognise Indigenous traditional forms of electing authorities was passed faster than the Indigenous Law. In fact, some observers (Recondo, 2001: 95) have argued that the outcome after the Indigenous law was passed in Oaxaca met the PRI's expectations. At least 412 out of 570 Indigenous municipalities decided to be ruled by Indigenous customary law. Since then, none has returned to the multi-party electoral process.

Although the electoral reform was aimed at stopping political parties' influence within Indigenous communities, the subsequent approval of the Indigenous Law was a result of Indigenous mobilisations. Oaxaca's Law is comprehensive in its recognition of Indigenous peoples' political and cultural rights, particularly those involving local and municipal governance. Nonetheless, this law remains limited regarding Indigenous jurisdictions over natural resources and women's rights. The 63 articles of the law deals with matters including general provisions, Indigenous peoples and communities, autonomy, culture and education, internal normative systems, Indigenous women, natural resources and development, and the social right of Indigenous peoples and communities to their determine membership criteria according to their own customs. In chapter 3, the autonomy of Indigenous communities is defined as follows:

> Autonomy is the expression of the right to self-determination of Indigenous peoples. As part of Oaxaca state, they can make their own decisions, according to their cosmovisions, on Indigenous

> territories, natural resources, socio-political organization, justice administration, education, languages, health and culture. Within Indigenous territories, the Mexican state will exercise its sovereignty, Oaxaca state will exercise its autonomy and the Indigenous peoples will exercise their forms of social organization, their normative systems and traditions.

In Article 3, Section VIII, internal normative systems are defined as follows:

> Set of oral judicial norms of customary character that Indigenous peoples and communities recognise as valid and use to regulate public life and that authorities apply in the regulation of conflicts. (Gobierno del Estado de Oaxaca, 1998)

As such, normative systems are strongly linked to the protection of land and the preservation of the community itself. Gustavo Esteva (2000: 216) is correct when he observes that the law establishes a pluralistic juridical regime. Nonetheless, it is also important to point out that such a pluralistic regime is limited to the community and to internal forms of conflict regulation. In addition, Article 52 of Chapter 7, regarding natural resources, states:

> The Indigenous peoples and the state, through the State Institute of Ecology and according to the applicable law, will decide the measures to protect the environment. Economic projects promoted by the state and private corporations that affect Indigenous peoples and their natural resources will be discussed and agreed upon with these peoples. (Gobierno del estado de Oaxaca, 1998)

Indigenous normative systems were recognized in Oaxaca's local constitution; however, Indigenous communities were not given jurisdictions over all their natural resources. Thus, the sources of their material reproduction continue to be limited, and Indigenous women are the most affected, as I will show later. As Alicia Barabás (1998: 359) has posited, with a non-limited and non-cooptated autonomy, local governments would effectively control their electoral process and their economy.

Regarding Indigenous women, Article 46 of Oaxaca Indigenous Law states that the state government will promote, within the framework of Indigenous traditional practices, the full participation of Indigenous women in activities not contemplated by tradition in order to promote women's recognition in their communities. In addition, Article 45 reinforces the role of family and women when recognizing that family constitutes the basis of the social reproduction of Indigenous communities. Article 48, on the other hand, states that Indigenous women have the right to be trained and to receive a bicultural education.

An extensive literature has emphasized the conflictive relationship between Indigenous customary law and gender, showing that women have generally been the most affected by the compromises of Indigenous conflict resolution. However, Oaxaca Indigenous Law does not address such conflict. Moreover, the protection of Indigenous women under this law is limited to the state government's promotion of their full participation in areas not contemplated by Indigenous tradition, yet how can women expect to be protected by a law that is committed only to 'promote' participation? In this regard, a male interviewee argued,

> In our community, custom is the law. We will continue to do what we have done. It is a custom that women do not occupy all civic-religious posts. However, they could if their husbands are not living in the community but in the Gabacho [the U.S.]. However, women's work is very important for the success of our communities' celebrations and to support their husbands' posts. (Interviewed in Oaxaca City, December 2003)

From this perspective, such promotion remains an element of good will in opposition to tradition, which is recognized as law. Furthermore, the link between the promotion of women's participation and customary law was rather aimed at pleasing some vocal critics of Indigenous normative systems, who have opposed its recognition because of its negative effect on women. However, as I will show later this argument has been an *ad hoc* liberal argument rather than an explicit commitment to women's rights.

Beyond the gender dimension, the centrality of the Indigenous normative system in this law put aside the autonomic aspirations of other Indigenous communities and municipalities where multi-party elections are still held and where customary law is not as crucial. Thus, this Law reinforces the construction of local and fragmented nationalisms among Indigenous communities. In addition, while Indigenous authorities continue to emphasize harmonious representations of their communities in the outside world, several studies (Martínez, 2000; Cruz, 2004) have revealed that new conflicts and disputes have arisen between communities and municipalities regarding the legitimacy of uses and customs.

Indigenous customary law: timeless traditions?

The issue of Indigenous customary law has been central to legal anthropology and has been related to long-running debates on equality and difference. The functionalist conceptions of "law" and "custom," which prevailed in legal anthropology at least until the 1970s, conceived the judicial realm as a sphere that could be analysed independently from other social and economic processes. During the 1980s and 1990s, anthropological studies (Garza Caligaris, 1999; Sierra, 1995) focused on historical perspectives to analyse Indigenous normative systems and to question their essentialist representations as living relics of the past. For some, normative systems and

Indigenous communities are a colonial legacy (Sierra, 1999). For others, they are a romantic continuation of the pre-contact era (Medina 1996). Others have argued that normative systems are an ideal construction that tends to hide internal communitarian contradictions (Viqueira, 1994).

While we could argue that, like any other legal system, normative systems are ideal constructions, normative systems themselves are not constructed to hide internal contradictions, but to rule internal conflicts and to control the land. Nonetheless, the representations of customary laws tend to emphasize cohesion and to down-play any existing differences before the outside. In her study of a Zapotec community in highland Oaxaca, Laura Nader (1998: 27) contends that this "ideology of harmony" is a colonial construct and a strategy aimed at resisting state political and cultural hegemony and reinforcing autonomy. In addition, the ideology of harmony also involves cultural and social control of internal dynamics through the establishment of mechanisms oriented at maintaining local loyalty and promoting legitimacy. When Indigenous people from a particular community affirm that they are "peaceful people" and have no "conflict" within the community, they are affirming that social control exists in the community and that no external state authority is needed there. In addition, customary law and tradition in general are immersed in a contested terrain lending itself to manipulation.

Thus, from this perspective, we must distinguish between the external and internal political uses of tradition and of customary law as a central element of tradition. As argued previously, at the foundational or epistemic level, tradition is a means through which people try to bring some order to the world and to make it more predictable (Popper, 1972). As such, tradition is more than just an inherited set of practices, values and knowledge. It is an intellectual, aesthetic and political resource used in building communities, nations and identities (Searles, 2001: 122). Tradition and politics are intertwined in all societies whose self-representations rely on the past (Babadzan, 2000:131). As a political resource, tradition helps in the reconstruction of power relations, the imposition of specific behaviours on members of a community, and the representation of a unique identity before the "other." As Nader observes (1998: 361), the ideology of harmony can be used to repress people, by socializing them to conform to the norms. In this regard, a Zapotec leader from the central valleys defined customary law as follows:

> The Indigenous normative system legitimises traditional practices to define membership, to recognise and legitimise behaviours and rules derived from the community's social life. To disrespect these practices leads to the dissolution of a way of life recognised and accepted by a community. The preservation of that system includes the preservation of interests, values and ideas that are part of our *cosmovision* (worldview). In our *cosmovision*, human beings, space and time are all interconnected. Disrupting one thing disrupts everything. (Interviewed in Oaxaca City, December, 2003)

Given the controversy surrounding normative systems, the political debate intensified when Indigenous customary laws were recognized in Oaxaca. The issue of uses and customs has been used to either defend or attack Indigenous autonomy by bringing into the discussion anthropological, historical, legal and political arguments. Part of this debate has focused on how the term "Indigenous" and "community" are defined, as well as on the operation of Indigenous customary law.

The meaning of community is the most recurrent issue in these debates. For some, a "natural" community is the historical basis of Indigenous peoplehood when constructed in opposition to "political community," understood as a social group with a territorial base and political system. For example, Floriberto Díaz, a Mixe leader and anthropologist, understood "Indigenous community" not as a group of houses and persons, but as a group of persons with a history, or a common past, present and future that can be defined not only physically but also spiritually in relation to nature. The attributes of this natural community are a territorial space clearly defined and possessed; a common history carried from generation to generation; a mother tongue; and a particular form of organization defining the political, cultural, social, civil, economic, and religious features; and a communitarian system of justice.

In the debate about the "naturalness" of Indigenous communities, one of the most controversial issues has involved the origins of such communities. While some observers (Viqueira, 1994; Sierra, 2004: 115) have argued that the pre-European origin attributed to the Indigenous community is a myth and a contemporary legal construct, others (Boege, 1996) have underlined the continuity of pre-Hispanic characteristics in the social order sphere and the *cosmovisions* of Indigenous peoples. Although most of this discussion focuses on ruptures and continuities of traditions, uses and customs, I would argue we should consider these as having a changing nature, and view the representation of tradition as timeless practices is a political construct that is useful in building cohesion, nations, and legitimacy.

Indigenous peoples have insisted on representing the Indigenous community as a timeless entity that is homogeneous and consensual. In this sense, nature and territory are useful not only to link people with their ancestors but also to define relationships among individuals, who cannot be abstracted from the community. As argued in Chapter IV, liberty can be an achievable collective enterprise if the community is made up of participating subjects. Accordingly, community decisions are geared towards unanimous consensus even if that means exercising strong forms of discipline among the members of a community. In Indigenous politics, the idea of "community" means that actions driven by individual interests are destined to fail. Since individuals cannot be abstracted from the community, the whole goal of statecraft is to transcend individual interests and to work for the community's public good (Gossen, 1996: 532).

In Oaxaca, Indigenous uses and customs and the merging of political-religious positions provided the mechanisms to reinforce kinship ties as well as a sense of obligation and solidarity towards the community. For this reason, Indigenous normative systems have had a functional dimension. As Teresa Sierra (1997) has argued, Indigenous customary laws have been crucial to Indigenous cultural survival for several reasons. Normative systems have been the cement holding people together and providing a system of defence against cultural assimilation. Customary laws have also mitigated the imperfections of the national justice system within Indigenous communities. In this sense, representing the Indigenous community and its normative system as a coherent, unified and shared entity has had an additional implication: the community's physical, economic, political, social, and cultural survival. A Mixe authority explained this implication as follows:

> We did not invent uses and custom, our ancestors did, but thanks to these norms, we as a people still survive. In this community, more

> than one hundred men contribute with their free *tequio*.[9] Everybody has to contribute. It is an obligation we all have with our community. If you cannot contribute because you are working in the U.S., for instance, then you send your money and that way, you continue to fulfil your obligation. It would be too expensive for the government to pay all these men for their services, but thanks to their *tequio,* we as a community have no debts, we have electricity and other services. If we waited for the government to give us all that, we will still be waiting. (Interviewed in Matías Romero, Oaxaca, January 1994)

Even though customary laws in Oaxaca have provided communities with the means to be socially, culturally, and economically self-sufficient, this process is immersed in conflict and internal divisions that tend to be downplayed. As E. P. Thompson (1993: 7) argues, culture is not situated only in meanings, attitudes, and values but is also located within a particular equilibrium of resistance and social and power relations, which are concealed by rituals of paternalism and deference. A female interviewee supported this argument:

> In my community, they tell me that because I am a woman, I cannot participate in the communitarian assemblies and, for the same reason, I cannot not hold land. I inherited a piece of land from my father because my brother, who was going to inherit it, died. They [the people in the community] did not want to acknowledge this and wanted to redistribute this piece of land, but I refused and fought for it. After a lot of fighting they told me: 'You will have that land if you can show us you can work as a man in the *tequio'*. Only because I am very stubborn, I won. I was committed to show them that I could work even harder that a man. The first time this happened, the *tequio* was needed to build the sewer, and men were digging. When I came and started digging, men stared at me and started whispering and laughing quietly. They were sure I would give up, but I did not say a word. The next days, they ignored me. Only after a week some talked to me and said: 'Well, maybe you could help with lighter work." But I refused. I had to show them I was equal. Later, they said my work was good. However, when in an assembly I wanted to participate, they did not allow me. I stayed anyway. It

---

[9] *Tequio* is the contribution in kind that all heads of the household contribute to the community. This contribution is an obligation and reflects the sense of solidarity that members of that community have towards the community as a whole.

> took me a long time of being ignored in the assemblies, until one day they [men] decided to tolerate me. However, it is not only men. Some women acted as my enemies as well. It was hard to make them understand what I was doing. To them, I was against the way we do and have done things (Interviewed in San Juan Guixicovi, January 2004).

Representations of Indigenous traditions as shared points of departure are common. However, tradition is immersed in social and power relations that are often being challenged. Sierra (2004b) has observed that different social dynamics are indeed generating new processes in relation to Indigenous customary laws and tradition. These dynamics vary depending on the region, and in Oaxaca, some of the most relevant ones involve male immigration.

In the next section, I will discuss how tradition and, particularly, Indigenous normative systems are located within a spectrum of social and power relations that conceal and/or emphasize gender discrimination and relations of domination between the sexes. As the issues of Indigenous normative systems and autonomy are located in this conflictive terrain in which academics and politicians actively participate, Indigenous women's positions regarding Indigenous customary laws seem to be ambiguous.

Indigenous women and the ideology of harmony

As argued previously, Indigenous women had organized in the state of Oaxaca before 1994 to claim and reclaim women's rights. The Zapatista Army helped to increase the visibility of Indigenous women's activism and, as a result, the negative consequences of Indigenous traditions on women's lives. Since the Zapatista uprising, increased academic interest in the exploration of the Indigenous normative system from a gender perspective has provided new issues for discussion. The recognition of

Indigenous normative systems in Oaxaca raises important issues regarding Indigenous women's participation's in governance in the region and the study of Indigenous nationalism, gender and tradition in general. From this perspective, several questions can be asked: Are women more disadvantaged and/or disenfranchised in autonomous communities and municipalities ruled by customary law than in those that are not? What is the role of Indigenous customary law and tradition in the reconstruction of gender relations? How do women deal with their peoples' traditions?

Important studies (Sierra, 2004, 1995; Nader, 1998; Collier, 1995) on customary rule and women in different regions in Mexico have shed some light on how Indigenous customary law conflict resolution is based upon negotiation and compromise rather than on punishment. As well, these studies have shown that compromise neither benefits all in the same manner nor is equally accepted. Although conflict resolution based on customary law shows how power is based on cultural values and perspectives in which gender relations are constructed (Sierra, 2004: 120), the ideology of harmony contributes to the implementation of mechanisms oriented to maintain local loyalty and to conceal conflicts and difference. In this sense, the space of local justice is, as Turner (1992) observes, a space of performance where gender roles are negotiated, and the limits and tensions of the cultural precepts and local expectations are revealed.

In this context, one of the most pressing elements in the apparent conflict is the quality of women's representation in the political life of their communities and their access to resources. However, this question has not been fully explored in the literature on Indigenous customary law in Oaxaca, despite the growing literature on legal anthropology regarding women and the implementation of Indigenous justice systems in other regions. In addition, much of the debate around uses and customs and Indigenous women is located in a conflictive political terrain around the issue of autonomy itself. Singling out autonomous municipalities for criticism would be unfair; nevertheless, given that the standard model of local government has often led to the exclusion and marginalization of women, we should question how women fare under customary rule, especially when tradition and, uses and customs often explicitly prohibit or control female participation in politics.

No consensus about this issue has been achieved. Some have argued that the recognition of these normative systems is anti-democratic because it hides internal contradictions, rests on colonial constructs, and prevents individual democratic decisions (Viqueira, 1994; Ruiz and Burguete, 1996). In contrast, others have argued that this recognition of Indigenous customary law expands the notion of democracy by legalizing a *de facto* system that Indigenous peoples have practiced for generations (Hernández Navarro, 1999a).

One of the most recurrent arguments has been about the degree to which customary laws have been used to discriminate against women. Although no general rule applies to all Indigenous communities, in the majority of them civic and religious positions or posts are closed to women. Similarly, women can vote in communal assemblies in 76% out of the 412 municipalities ruled by normative systems, but in 18% of these municipalities; women cannot vote (Velázquez Cepeda, 1998: 13). In some communities, women participate in the community's political life only through their husbands. In others, married women lose their right to hold land and to participate in politics.

Recondo (2001: 102), on the other hand, offers a different reading of these figures, arguing that they speak for themselves. He posits that the arguments about the exclusive or essentially authoritarian character of customary rule do not correspond to reality. For Recondo, the above figures show that in most communities ruled by uses and customs, female participation has increased. However, as gratifying as it is to know that female participation is the more common practice and that in principle, autonomy does not conflict with female participation, women are still explicitly excluded from participating in collective decisions in a significant number of autonomous municipalities (Cleary, 2005: 22-23). Moreover, these figures are somewhat misleading. In the vast majority of municipalities ruled by uses and customs, women's involvement in the cargo system is limited to committees dealing with health, education, and household management. Consequently, women's participation in municipal elections is minimal, for the community assembly remains a male-dominated affair (Velázquez, 2000: 222-29).

Even though Indigenous women increasingly complain about their exclusion from formal politics, some observers have noted that women's are actually participating in politics in various ways and that focusing only on Indigenous women's participation in formal politics would be a mistake. For instance, in her study comparing Oaxaca and Nunavut, Rebecca Gowan (2003: 69) argues that the situation in Oaxaca suggests that in order to understand women's participation in community life, including formal politics, one must look beyond women's direct participation in the formal decision-making process. Gowan uses Lynn Stephen's arguments regarding Indigenous women's indirect participation and argues that although Indigenous women cannot hold civil posts in the cargo system, they successfully mobilize the political influence they gain in their roles in ritual celebrations to directly affect local politics. In addition, since the household unit in the local system of governance is crucial, Indigenous women's indirect participation, such as making up for the loss of male labour, is essential for the system's functioning.

Although this argument is correct, the effectiveness of indirect participation in politics seems to be overestimated, while women's demand for the democratization of gender relations is underestimated. For instance, in September 2001, at least 1800 Mixe women protested their exclusion from the customary elections to choose authorities in the municipality of Guevea de Humboldt located in the Mixe Zapotec highlands (Izquierdo, 2001). A female Mixe interviewee explained:

> It is not fair, we women also have rights. They must allow us to participate because our authorities will govern everybody not just men. I do not understand why our husbands do not do anything to defend our right to vote. Men only look for us [women] when they need us. We have to tolerate them when they are drunk, we have to tolerate their violence, we have to tolerate them when they mistreat our children, but we cannot decide who is going to govern us? That is just wrong! (Interviewed in Matías Romero, Oaxaca, December, 2003)

Furthermore, some scholars like Velázquez, (2001) have shown that within communities ruled by customary laws rather than multi-party electoral system, Indigenous women's participation is undergoing important transformations whose direction still remains uncertain. As stated previously, Oaxaca is among the states with the highest male immigration to the U.S. Thus, women have been forced to have an active role in the community. Since migrant men cannot directly fulfil their obligations within the community, women have assumed the obligations of their husbands in order to prevent them from loosing their membership status and rights when they are absent. Therefore, the feminization of the countryside is slowly transforming both communal assembly structures and religious/civic posts as well as women's workload. A female Mixe leader illustrated this argument:

> Because of male immigration, we Indigenous women have been forced to participate in the cargo system besides working in our lands and homes. The economic situation in the Mexican countryside forces Indigenous males to immigrate and Indigenous women to face the many responsibilities that the uses and customs impose upon us. However, we do that in the middle of many contradictions. On the one hand, there is the need to *tequio* and to continue with the cargo system; on the other, the authorities have had to ask us women to perform the roles that used to be men's. Women's political participation has increased, but we kind of occupy lower rank positions. There is still a lot resistance on the part of men and the community in general. (Interviewed in Matías Romero, Oaxaca, December 2003)

As Veláquez has correctly argued, the increasing participation of Indigenous women in politics and the cargo system does not necessarily mean that they are being empowered. Rather, these new roles seem to have a clear connotation: women must support and maintain male migrants' citizenship. Although these transformations could eventually enhance women's participation within Indigenous communities, it is too soon to predict the outcome. A female Indigenous handcrafter explained:

> When our husbands leave to the U.S., we have to work to feed our children, we have to do the housework, we have to do handcrafts, we have to work in our family's land and we still have to do what they [our husbands] used to do in our communities....It is very hard for all of us. Besides, it seems that we have accumulated work but not benefits. So far, I do not feel my work is recognized as my husband's. (Interviewed in Oaxaca City, December, 2003)

Along with exclusion or limited political participation, women also face significant barriers and additional problems. As most rural women have received only the most basic education, and many are not proficient in Spanish, they lack the skills necessary for public office. Furthermore, this situation is similar to the reality at the state level, where very few women are elected to public office. Although state law requires that women account for at least 30% of the candidate list of each political party in congressional elections, in 1998 this law was observed by only the PRI and the PRD. In Indigenous communities ruled by customary law, women often do not vote in municipal elections and are rarely represented in municipal government (Owolabi, 2003: 77).

Other issues also affect women. In the last few years, the demand for the recognition of territorial rights has increasingly been legitimated. However, less attention has been given to Indigenous women's demands for property and land rights. In many communities, women's access to land is conditioned. Women can own land only if they inherit it and if their families have no males. In addition, when women get married they loose their right to their husbands and recover these rights only by becoming widows. Deere and León (2000) have noted a fundamental relation among gender, property rights and empowerment. From this perspective, land/property rights are fundamental for women's power to negotiate economic and social rights. However, in some Indigenous communities, the relationship between land/property rights and the ability to negotiate is not necessarily a cause-effect relationship. A female interviewee noted:

> In some communities, women can be *ejidatarias*, but they cannot participate in the community assemblies. Only males can. That means that they [men] still make the decisions for women. In some others, it is worse. For example in my community, there is a lot of resistance to allowing women to be *ejidatarias* even when they

> inherit land from their fathers. Sometimes, our own fathers do not understand why their daughters would want land. I often tell my father that he should give me land as well, but he always responds 'What for? You will get married and your husband will have land. That is the way it is here'. When I say to him, I do not want to get married. He responds 'What is wrong with you? Why do you have to be like those crazy women, who think they can change it all? (Interviewed in Oaxaca City, December 2003)

As this statement shows, although Indigenous women have claimed the right to access land as one of the most important issues to them, little attention has been paid to these aspects of Indigenous community life. On the one hand, those who have applauded Oaxaca's Indigenous Law emphasize the recognition of Indigenous customary law while undermining the women's issues associated with it. On the other, the opponents of this law and autonomy, in general, have discredited this law because of its discriminatory effects on women. From this perspective, we must understand that there is a close relationship between land and customary law. Land constitutes the central element that articulates customary law, whose goal is to protect communal land and to prevent the intervention of external authorities that could potentially challenge community's control over land. Citizenship/membership is regulated by normative systems. Citizenship is linked to accessing land/property in a similar fashion to that of the first phase of the evolution of citizen's rights. Controlling women's access to community land is to control their rights in other spheres of community life. This reveals that power relations and conflict underlie customary law.

In recent years, Indigenous women's increasing demand for the democratisation of gender relations within Indigenous communities and women's call for changing traditions and customs that discriminate against them have led political opponents and some non-Indigenous feminists to frame Indigenous autonomy as a serious challenge to democracy and individual rights, intensifying the conflict between non-Indigenous feminists and Indigenous women. A female leader organization explained:

> My community belongs to an organization, so do I. When I started to be involved, I was young. Now I am 45. I think we were the first Indigenous organization here in Oaxaca that included a separate commission to address gender issues. We women demanded it. We wanted a space for us, to seek economic alternatives, to talk about reproductive issues. I won't say it was easy, because it was not. It took a lot of time to convince our male *compañeros* that this was necessary and it was good to have a women's commission. Remember, this was in the 1980s, and some males use to tell us that we were feminists and that feminists are against men. We had to convince them we were not feminists but women with women's concerns. We supported and still support our peoples' aspirations to political autonomy but....I also think that if I, as a woman, don't participate, no one is going to do it for me. We have to take the space for ourselves. Now after several years, several of us [women] have become leaders and have learned to speak in public and speak women's words. However, most feminists tell us that what we should do is to pursue only gender issues. I do not think they [feminists] understand our Indigenous world. Although now most female Indigenous leaders advocate for women's power and claims, our language and our organizing are still framed by our own cultural terms, not within non-Indigenous feminists' terms. (Interviewed in Matías Romero, Oaxaca, January 2004.)

The opposition between Indigenous women and non-Indigenous feminists has forced Indigenous women to define their political loyalties towards Indigenous peoples' projects instead of explicitly problematizing gender relations within these political projects. For example, in responding to the questions of the National Congress representatives in 2001, María de Jesús Patricio, an Indigenous female delegate, observed:

> If we are going to talk about how uses and customs hurt Indigenous women in our communities, we should start by recognizing that this is not a problem exclusive to Indigenous peoples, but a problem that the

> whole society faces in this country. We as Indigenous women recognize our problems and we know we have to solve them. As Indigenous women, we have long fought these problems, but only now you pay attention to us. You [congress representatives], say that the uses and custom are a threat to Indigenous peoples. Why do you only talk about what is bad? Why you do not talk about what is good in our cultures? For example, positive uses and customs are the *tequio* and the people working together to achieve common goals such as helping others to build their houses and to harvest. Another positive tradition is to seek justice through restitution not punishment. Another one is consensus. We have no votes as you do, but community consensus. Another positive custom is to see political representation as a service to our community and not as a privilege....You have been talking about how bad our traditions are. You say that Indigenous uses and customs violate human rights. Let's talk about how outsiders have come to violate Indigenous rights. Do you remember Aguas Blancas, the Acteal case? Those were human rights violations, but you are silent about that... (María de Jesús Patricio, National Congreso, March 28, 2001)

The political landscape in which Indigenous normative systems in particular and political autonomy in general have been debated is immersed in complex power relations, which have influenced the debate's direction. Instead of formulating arguments confronting the structural relationship behind the construction of gender roles and the strategic relationships among gender, nationalism and tradition, the debate has focused on opposing arguments that have complicated Indigenous women's positions. Furthermore, since the academic and political debates have focused only on issues of Indigenous normative systems in relation to women's discrimination, few studies have explored the situation of Indigenous women in other contexts where Indigenous traditions and multi-party electoral systems coexist. As I have done throughout this Chapter, in the following sections I briefly explore how the relationships among nationalism, gender, and tradition unfold in the Mixe and Zapotec cases.

a) Mixe women vis à vis tradition

The Mixe people have some attributes distinguishing them from other Indigenous peoples in Oaxaca. They inhabit a compact territory located in the northeast, speak Ayuuk, and define themselves as "the never conquered." The Mixe's contemporary autonomic movement started at least fifteen years before the Zapatista uprising in Chiapas. The Mixe organizations SER and the Assembly of Mixe Authorities (ASAM) were the first Indigenous organizations in Mexico to view the concepts of autonomy and self-determination as inherent Indigenous collective rights. Kraemer Bayer (2003: 26) has argued that this perception was largely a consequence of the close interaction the Mixe had with the Indigenous Peoples World Council founded in Port Alberni, Canada in 1974, and since the 1980s, of the Mixe's active participation in the United Nations working group on Indigenous peoples since the 1980s.

As I argued earlier, the Mixe autonomic movement was always closely related to the emergence of a young generation of bilingual Mixe teachers and anthropologists, who knew the Indigenous world and re-appropriated Mixe symbols, values, ideals and *cosmovision* and re-evaluated them in opposition to the Mexican mainstream culture. Therefore, Mixe autonomy was conceived as a space for struggle, for the reconstruction of tradition, and for the redefinition of customs within a delimited territory: the community, or the local. Although tradition is crucial to this autonomic project, it is a modern political project oriented to reunite Mixe communities in order to challenge regional *caciques* and their political control (Kraemer Bayer: 2003:166-67; Nahmad Sittón, 2003: 348). A document of the ASAM states:

> Behind us there is neither a political party nor external organizations.... Behind us there is 450 years of resistance to colonialism, to the oppressors of the nineteenth century and to the Mexican revolutionary politicians of the twentieth century, whose domination continues to be reproduced through the caciques' violence and powerful politicians. (Asamblea de Authoridades Mixes, Oaxaca City, January 27, 1986)

Therefore, autonomy has been a way to confront political problems by using a long-term political project. Nevertheless, this autonomic project has not been free of conflicts, but has been immersed in a complex net of power relations and external influences challenging the legitimacy of tradition. In this complex spectrum, some groups have strong loyalties to political parties such as the PRI. Other groups have converted in religious faiths oriented to the salvation of the individual; while groups of women have challenged the project based on their gender aspirations. In this regard, a Mixe leader argued:

> One of the most important aspects of our community life is that of the communitarian decision-making process. Here the community assembly is the ultimate common space to make decisions. Nonetheless, there are multiple obstacles to this space. For instance, the state government, the political parties, the religious sects are all fighting this space of common decision-making. (Interviewed in Matías Romero, Oaxaca, December, 2003).

In order to survive these external and internal challenges, the Mixe autonomic movement has created strategic alliances with the outside. They connect this movement to a complex net of different social actors such as liberation theologists, international NGOs, intellectuals, productive organizations, environmentalist groups, and international coffee fair trade companies.

Since the reconstruction of tradition as a way of structuring the Mixes' political life and future is central to this project, the election of communitarian authorities through uses and customs is crucial to this movement. In this sense, the Mixe *tradition* and *political experience* offer the criteria for selecting the best authorities. These criteria include experience in governance, the capacity to defend the community's interests, and economic self-sufficiency. Although some have argued (Kraemer Bayer, 2003; Regino Montes, 2001) that Mixe traditions and normative systems are flexible enough to be adapted to new circumstances, these traditions and customary laws seem to be less flexible in some areas, including women's political participation and access to land than in others.

In the Mixe region, married women cannot occupy political positions because, it is argued, their husbands do. In the Mixe political culture, only the head of the family participates in the public sphere, and the rest of the family, his spouse and children, support him by doing his work. While the head of the family fulfils his duty to the community, his spouse and children must work the land and perform any economic activity necessary to satisfy the family's needs. An issue, an Indigenous male post holder observed:

> Women have a significant level of participation in the organic life of our communities. They also intervene in making decisions regarding their husbands or sons' participation in the cargo system and the evaluation of the family economic situation to contribute. Besides, women's organizations in the cities always criticize the uses and customs of Indigenous communities because women do not vote in community assemblies. But if you go to the communities and little villages, you will see what women will tell you. 'No, I do want to vote because if I do, I have to do *tequio* and occupy some post. Rights bring obligations too. That is why I tell you, uses and customs are not

> anti-democratic as some say, but they are part of a different culture. (Interviewed in Matías Romero, Oaxaca, December, 2003)

The Mixes conceive their authorities as being a dual entity, female and male at the same time, and as mother and father, who guide the Mixe and look after them. However, Mixe women do not feel represented through their authorities, mainly male, and claim the right to have rights. Instead of accepting being limited to indirect participation, Mixe women want to be full citizens within their nation. In this context, a female interviewed noted:

> We women do not want to be above our traditions and customs. The only thing we want is to be able to participate in our communities' decision-making process. We think that the uses and customs system that did not allow women's participation is part of the past. We are more women and they [men] must respect us. In our community, we are more women than men, but they [men] say that women's participation is against uses and customs. We know that the Oaxaca Indigenous law says that the government will promote women's participation but that is not enough. For that reason, we women are organizing to present an initiative to the state congress to change the law and make women's participation mandatory (Interviewed in Guevea de Humboldt, December, 2003).

My fieldwork experience and the information provided by my interviewees show that during election time, customary rules and conjectural circumstances are taken into consideration. For instance, the number of posts varies from community to community depending on a community's need. When many young people are in a community, many low-ranking positions are created in order to incorporate them. However, if these young people leave the community to study or immigrate, the number of these posts is reduced. Thus, a degree of flexibility exists when uses and customs are adapted to the social environment circumstances. However, what is changed and what is kept of customary law and how it is represented is determined by politics. For example, when answering questions from the National Congress representatives in Mexico City in March, 2001, the Mixe leader Adolfo Regino Montes explained:

> We Indigenous peoples do not want privileges.... The only thing we want is what already exists: the recognition of our normative systems. This form of organizing, of understanding ourselves and solving our conflicts is what we call Indigenous normative systems.... We have to say very clearly that these norms, these traditions are changing. They are adapted as time goes by. No rule, no tradition in the world is static, no. Rules and laws change and Indigenous normative system are transformed on an everyday basis. (March 29, 2001)

However, how are Mixe traditions changed? What are the criteria? Who decides which traditions are changed? As argued throughout this dissertation, a close relationship exists between tradition and gender, which expresses how power relations are constituted and reproduced. Indigenous organizations, in general, tend to emphasize traditions and customary law as a way to differentiate their peoples from mainstream society and to represent their identity as original inhabitants or original nations. Although sometimes the changing nature of tradition is acknowledged, as in the above quotation, this acknowledgement has usually been made in response to external criticism. What is not openly acknowledged is that tradition is immersed within a spectrum of power relations and politics. From this perspective, Indigenous identity and tradition are not a set of particular characteristics to be described, but a representation to be projected. As central features of Indigenous identities, traditions are not necessarily recuperated from a shared point of departure, but historically negotiated and modified based on inclusions and exclusions. In other words, tradition is a source of political power both externally and internally. Externally, tradition is used as a political rationale to assert self-determination and collective rights. Internally, it is used to impose behaviours, construct gender power relations, determine resource distribution, create cohesion, and legitimize decisions.

Women represent an important example of how tradition is internally used in creating norms and internal control. As Mixe women have organized, they have pressed for their rights to have rights. Mixe women have used some political strategies oriented to challenge their communities' authority and power by seeking the support of external authorities, with more political power than those of the communities. In doing so, women attribute more power to external authorities and claim that national law overrides community norms. In recent years women have demanded their right to hold land and to participate in politics by incorporating new discourses in their claims. As a result of women's pressure, the communal assembly has decided to extend land rights to women. Nonetheless, since the formulation of new community norms continued to be in the hands of male authorities, the rights given to women came with new limitations that continue to reproduce gender and power relations. For example, although single women can now have access to land, married women relinquish these rights to their husbands. Furthermore, since intensive land conflicts among communities exist and protecting community's land is a priority, women are prevented from marrying outsiders. Thus, endogamy is a community strategy to prevent land from being appropriated by males from other communities. Of this matter, a local authority noted: "Women cannot have the same land rights than men because women usually leave. If they get married to an outsider, they usually follow their husbands. It is very difficult for a man to stay in a community that is not his. (Interviewed in Matías Romero, Oaxaca, December 2003)"

As in the case of land, when pursuing specific goals or confronting what they consider an unjust norm or conflict resolution, Mixe women ignore their community authorities by claiming their right to dissent against injustice and to seek the support of municipal authorities and other agents such as NGOs outside the community. These strategies are opening new possibilities for women to question community's norms regarding issues such as domestic violence, land inheritance and the cases of divorce. As the ideology of harmony is aimed at showing unity and preventing outside intervention, women's strategy is openly challenging community norms and tradition as well as their communities' ability to maintain autonomy and resist state hegemony. However, women's challenge to the ideology of harmony and common good usually meets strong punishments. Cruz Rueda (2004) has documented how in a Mixe community, women were more strongly punished that men and that most conflict resolutions involving women had to do with women questioning authority and community norms.

Moreover, economic transformations and migration phenomenon are weakening the land issue as the core element in the configuration of normative systems and, to some extent, favouring women's claims. Mixe communities cannot easily isolate themselves, maintain their customary laws and, at the same time, control the direction of these transformations. Mixe customary laws are clearly undergoing profound changes regarding the expansion of women's participation not only in community affairs but in all aspects of the political culture.

These changes, however, are immersed in complex power relations expressing how tradition is used politically to control the direction and scope of such changes as well as how tradition itself is in conflict with power relations that go beyond the communities. These political uses of tradition determine new exclusions and inclusions by defining how women are allowed to participate in the community and to access resources. Since the cargo system is a hierarchical system that marks people by age and gender, women are increasingly participating in politics but can aspire to occupy only lower-ranking positions. Furthermore, since Mixe authorities have to interact with different state government agents, some of the most important positions require individuals with some level of education and fluency in Spanish. Mixe monolinguals are mainly elders and adult women. This situation reflects, on the one hand, that only those who participate in the cargo system are considered 'citizens' with rights, on the other, that additional systematic barriers to women's participation exist besides tradition.

As male immigration patterns affect Indigenous households, women are increasingly becoming the head of the family, and as such, they are in the middle of several conflicts. Women are forced to fulfil their husbands' obligations and do so by holding lower-ranking positions. However, a generation gap also determines women's political participation in the cargo system. Younger women are more fluent in Spanish than the older women, yet in the cargo system, they are mostly represented in lower rank positions. This also suggests that the issue of gender is further complicated with generational gap. In Oaxaca's Indigenous communities, 16% of the women are the head of families, yet the new roles that women are increasingly assuming are not fully recognized (Gijón Cruz, Rees and Reyes Morales 2000). Furthermore, according to Cristina Velásquez (2000: 221), women's participation in municipal elections is higher in those communities where over 60% of the total population has emigrated. Similarly, the 'openness' to Indigenous women's participation is also the result of other circumstances than men's good will. In a number of communities, men have effectively mobilized women in order to undermine the power of local *caciques;* afterwards, women have demanded participation in community affairs but obtained limited participation. Although for some observers, these examples illustrate the flexibility of uses and customs as a respond to social changes, gender inequality is still a serious problem reflecting both the changing nature of traditions and uses and customs and how they are used as political instruments in the construction of indigenous gender relations among the Mixe people.

b) A Zapotec matriarchal society?

The Zapotec people inhabiting the Tehuantepec Isthmus, the narrowest part of land in Southern Mexico between the Gulf of Mexico and the Pacific Ocean have had a long history of resistance. This people's history is marked by numerous Indigenous rebellions to defend political autonomy and natural resources. As well, the Zapotecs have other attributes differentiating them from other Indigenous peoples in Oaxaca and in the rest of Mexico. The Zapotecs are perhaps one of the culturally strongest people in this country, and their strength has resided in the construction of a local nationalism that has re-valued their history, language and culture. At the same time, the role of women within this culture is also unusual, as I will discuss later.

The aspiration to political and administrative self-determination and control over cultural and natural resources of the region has been continuous over time. Therefore, the emergence in the 1970s of the Zapotec organization COCEI must be understood as an expression of this long-standing aspiration and struggle for autonomy. Nevertheless, unlike other Indigenous regions focused on land and land-related activities, Juchitán is an urban economic centre where regional trade and services are significant and where women control important aspects of economic trade. As an Indigenous urban centre, Juchitán differs from other Indigenous regions in term of its politics and the place of its women.

In 1981, after several years of struggle, the COCEI became the first leftist group to succeed in municipal elections recognized by the PRI, and Juchitán became the only city in Mexico with a leftist and Indigenous government. During the two and half year reign of the what was called *ayuntamiento popular* (the people's government), the COCEI embarked on an ambitious program centred on gaining control of lands that had been lost to large stakeholders, organizing the peasantry, and implementing programs to benefit the poor. The COCEI also invested heavily in the revival of Zapotec culture by sponsoring the development of innovative art and music in a tradition that was partly invented and partly tied to the Zapotec past.

Hernández-Díaz (2001: 62) has observed that the role of Zapotec intellectuals was decisive in the creation of the COCEI and the Zapotec's political project. This author traces the emergence of these Zapotec intellectuals and their process of politization to the flow of Zapotec students to educational centres in both Oaxaca City and Mexico City and their participation in the students' movement of 1968. Nevertheless, others (Reina Aoyama, 1997) have argued that intellectuals have played a crucial role in the revitalization of Zapotec culture since at least the late nineteenth century. Even more important, Reina Aoyama continues, these intellectuals' self-identification as Zapotecs shows that unlike other Indigenous peoples in Mexico, educated Zapotecs maintained their identity instead of being assimilated into the Mestizo culture.

Although both arguments are correct, I argue that what we can call "historical Zapotec intellectuals of the late nineteenth century" differ from the contemporary intellectuals linked to the creation of COCEI. While the former constructed a local nationalism aimed at preventing outsiders from challenging Zapotec political and economic power, the local nationalism of the 1970s was aimed at building unity and social cohesion within a society that had become increasingly stratified on the basis of class. For this reason, the COCEI directed its efforts toward making economic and democratic demands for the Zapotec people, instead of focusing on cultural demands. In other words, COCEI did not construct a nationalist movement. Rather, it used the existing sense of local nationalism and the strength of the Zapotec culture to build more democratic internal relations among the Zapotec.

In 1983, the state legislature and the military threw the COCEI out of office. Eventually, this organization was able to come back to power through strategic alliances made with political parties. In this way, the COCEI has centred its struggle on wining elections and gaining positions in the Senate Chamber and the National Congress in order to influence state and national politics. Since then, the COCEI, once a radical organization, has inserted itself into the institutional political system. Furthermore, even though the Zapotecs embarked on a political project using the electoral system and Mexican symbols such as the free municipality, this nationalist project continued to be exclusive enough that it never openly included other Indigenous peoples and communities.

The Zapotec movement started by the COCEI has been defined as a cultural project open to modernity but firmly rooted in tradition.[10] The Zapotec project has also been defined as rooted in a very dynamic culture and the construction of this identity identified with what Touraine (1983) calls an "offensive identity," rather than an identity of resistance. From this perspective, the Zapotec nationalist project vindicates the individual and collective autonomous capacity to intervene in and control the socio-cultural and territorial development of this people (Miano Borruso, 2002: 36).

Through the reconstruction of the Zapotec's local nationalism, *Juchitecos*[11] have been encouraged to think of themselves as a very superior people who do not recognize themselves as “Indigenous” but as “Zapotecs”. For example, two male interviewees commented:

---

[10] Information obtained in interview.

[11] Zapotecos living in Juchitán.

> We do not accept to be called Indigenous, we are Zapotecs and very proud of who we are. Indigenous people are those who are not proud of being who they are. They are not proud of their language, when they come to Juchitán, they speak Spanish among themselves. They do not speak their language because they are ashamed of it. (Interviewed in Juchitán, Oaxaca, December, 2003)
>
> Our ancestors are the *binnigulaza*, who were great, wise warriors. We have in our veins the desire to be a free people, a people that struggles, that opposes injustices. We have always been a free people, we were never defeated. (Interviewed in Juchitán, Oaxaca, December, 2003)

This movement has been quite disparaging of other Indigenous peoples and communities in Oaxaca. The negative conception Zapotecs have of the term “Indigenous” is reflected in the historical domination that they have established over other peoples inhabiting the Tehuantepec Isthmus region. To Zapotecs, the other groups living in the region are ”Indigenous”. Reina Aoyama (1997) argues that in the Tehuantepec region, the Zapotecs established a framework of cultural interaction that subordinated other Indigenous peoples. This kind of process does not lend itself to the creation of a broader movement that could include all Indigenous peoples. On the contrary, such a process tends to fix boundaries and treat them as "natural" rather than historically constructed.

Unlike the redefined nationalism of the Zapatista in Chiapas, which is ethnically inclusive, the contemporary Zapotec nationalism is characterized by the perception of differences between the Zapotecs and other Indigenous peoples and often Zapotecs from other communities. This differentiation is useful to hide or at least diminish the effects of class differentiation. Zapotec nationalism emphasizes notions of reciprocity and brotherhood, which are practiced in community celebrations and emphasize horizontal relations among the Zapotecs. Nonetheless, Zapotec society is too stratified to practice horizontal relations in everyday life.

Besides Zapotec culture's strength and political dynamism, another dimension has also been emphasized: the role and stereotype of Zapotec women. In most studies of Indigenous women and gender relations, women are located in a position of disadvantage, subordination and exploitation in relation to men. However, Zapotec women are atypical not only in the Tehuantepec Isthmus but in Mexican society as a whole. For many famous travellers, painters and even academics, Zapotec culture is a "matriarchy" where women rule. To outsiders, Zapotec women are proud, economically independent, and strong. In contrast, outsiders see Zapotec men as lazy, dominated, and irresponsible.

As Stephen has observed (2002: 43), Juchitán cannot accurately be described as a "matriarchy." However, women do participate in public and ritual life in ways that could be considered unusual in other parts of the country. Unlike Mixe women or any other Indigenous women in Mexico, Zapotec women dominate the local market and business scene and spend time in practically exclusive female company in *velas*[12] or community celebrations. Unlike Mixe women, Zapotec women hold religious posts in *velas,* drink, eat and dance together at these celebrations and are economically independent. According to Reina Aoyama (1997), Zapotec female participation in the local and regional economy was already high in the late nineteenth century (35%), and was high even in comparison to that in urban areas such as Mexico City. In the nineteenth century, women in most regions in Mexico were constrained to the private sphere and to domestic activities.

---

[12] *Velas* are several day celebrations involving processions, masses, food preparation and blessing, drinking and dancing organized around neighbourhoods and families (Rubin, 1997: 39).

Although Zapotec women's presence in the public sphere, and particularly the economy, is relevant, they do not hold political positions. In the 1980s, women actively participated in the COCEI's struggle for municipal autonomy. In fact, their participation was decisive in repelling soldiers, defending the municipal building, and voting in Juchitán municipal elections to overthrow the PRI. Women, particularly older ones, get involved in political campaigns and in convincing undecided voters. Since women control the local market, political leaders often organize meetings in the market and address the women.

Nevertheless, with some notable exceptions, they have not assumed political leadership roles in the city, state or grassroots politics (Rubin, 1997: 230-33). In fact, several women I interviewed in Juchitán stated that political positions "were a men's thing."

As argued previously, no causal relationship exists between the access to economic resources and the ability to negotiate power. From this perspective, Zapotec women's strong presence in the local and regional economy does not correspond with their role in formal politics. Moreover, since Zapotec women are already considered to be in an outstanding position in contrast to other Mexican women, not only to Indigenous women, the disparity between access to economic power and political power is seldom questioned. In this regard, a female interviewee noted:

> Many say that 'the home is for women and politics is for men.' I think we women did not participate in politics in the past. We started to be involved in politics about 20 years ago, when the COCEI leaders came to the market and started to organize us. Now we participate but in an indirect way, because we are told that is how our ancestors did. Men are the people's leaders. (Interviewed in Juchitán, Oaxaca, December, 2003)

Similarly, two young females explained:

> It is difficult for young women who want to participate in committees and unions to advance a gender agenda. Whenever we do so, we are immediately accused by older male leaders of being 'feminists,' and of being 'bitter women.' In fact, a constant critique within COCEI is that the older generation of leaders have become *caciques* who concentrate power. They do not accept to be challenged by the younger generation, let alone young women. (Interviewed in Juchitán, Oaxaca, December, 2003)

> What can I tell you? I was involved in this organization for a long time, and I never occupied any leadership position. Whenever we women question this situation, men tell us: 'There is no way Zapotecs are going to accept a woman as mayor. We recognize women have been important in our struggle, but that's about it. If we let women to be leaders and mayors, we would not go anywhere.' Yet sometimes some women, coming from important families, get somewhere. I guess we have to accept the fact that we [women] are confronting leaders that do not support us. The thing that bothers me is that a lot of people say that we Zapotec women are dominant. Whenever I say I am from Juchitán, people, even urban men, will tell me, your poor husband! This image does not do us any good because that is not completely true. Certainly, we are not like many other women. We have our own money and businesses, and we are the ones who organize most of our communities' celebrations, but in

> politics we do poorly.... I do not know what is wrong. (Interviewed in Juchitán, Oaxaca, December, 2003)

Zapotec women's presence in the public sphere through the economy and community celebrations and their limited political participation are immersed in cultural contradictions and are strongly related to their peoples' cultural continuity. On the one hand, although Zapotec women confront gender discrimination, their situation is not that different from that of non-Indigenous women in Mexico. Thus, gender discrimination is only an issue when it is related to the discussion of Indigenous rights, particularly normative systems, as it is the case of the Mixe women. Moreover, even if Zapotec women do not accept their exclusion from formal politics, they have little room to manoeuvre when they are conceived both internally and externally as having more power than most women in Mexico. On the other, women in Juchitán are economically independent and strong, yet they are conceived of mainly as transmitters of language and culture and as keepers of traditions. While tradition is reflected through women's nominations to posts such as *guzana* (the one who gives birth) or *guzana gola* (great mother), the position names that men use are borrowed from political organizations. Position names such as "president" and "secretary" are common. Among many Zapotec men and women, the idea of women being the depositary of culture is strongly rooted, as the following statement shows:

> In women you can see that our culture is strong. When a child is born we talk to him in Zapotec, all maternal love is said in Zapotec, the language of our ancestors. Unlike men, women have not lost their traditional clothes. Men have got modernized, they no longer use their traditional clothes, they are ashamed of wearing them. (Interviewed in Juchitán, Oaxaca, December, 2003)

The very language of nationalism singles out women as the symbolic repository of group identity (Kandiyoty, 1991: 434). As I have argued previously, all nations depend on powerful constructions in which gender roles are defined and constructed. Like the Nisga'a, the Zapotec construct nationalism so that women are assigned a hegemonic role in the economy, private sphere, social reproduction and community socialization. In contrast, men are assigned a central role in production, politics, culture and public life. In other words, while women are represented as the nation's traditional face, men are considered to be part of the outside and modern world.

From this perspective, nationalism is crucial not only to how gender roles are reconstructed and represented in relation to the nation, but also to how the nation's material content is distributed between the genders. While Zapotec women's economic independence is crucial in supporting the complex system of community celebrations, community cohesion, socialization and social reproduction of their culture, men make the political decisions and lead the future of the nation.

For both the Mixe and the Zapotec, tradition and nationalism define the construction of power relations between the sexes. Unlike the Mixe, whose political project is to the reconstruction of tradition and customary law as a long-term project intended to control the Mixes' political life and future, the Zapotec's local nationalism is defined as a modern yet traditional project designed to conceal social differentiation. Nevertheless, in both cases in the language of nationalism and tradition, the gender dimension is crucial because gender identities and power relations are at the heart of this process of meaning creation. From this perspective, tradition is more than just an inherited set of practices, values and knowledge. It is an intellectual, aesthetic and political resource used in building communities, nations and identities.

Conclusions

In this chapter, I discussed how the institutionalization of a new relationship between the Indigenous peoples and the government in Oaxaca was immersed in a process of redefining Indigenous traditions, self-government, and women's relationship to their communities. I argued that the Oaxaca Indigenous Law formulates a substantive recognition of cultural diversity, which is built upon a model of self-government that accommodates local nationalist aspirations through the recognition of Indigenous normative systems. Since the Indigenous Law emphasises Indigenous normative systems or "uses and custom," it excludes those Indigenous communities aspiring to political autonomy beyond customary law. As a result of historical, political, and economic situations, the Indigenous peoples in Oaxaca have redefined and re-valued "the local" or the "community," which is centred in the construction of local nationalism.

This law was passed in the middle of a political debate linking the recognition of customary law to gender discrimination, which forced the state government to push for the enshrinement of gender provisions. Nonetheless, such provisions were a concession to facilitate the recognition of customary law rather than a real commitment to advance women's rights and political participation. Since the political debate has focused on customary law and its implications for women's rights, this debate has failed to address the relationship among tradition, nationalism, and women. By contrasting two cases, one centred on customary law and the other focused on the electoral system, I have shown that women are still discriminated against in cases where customary law is not central, but where tradition, in the construction of nationalist projects, still defines identity and gender roles. Nevertheless, the debate has linked customary law and gender discrimination but has failed to address the exclusion that Indigenous and non-women face in the Mexican society. Thus, the linking of Indigenous normative systems and gender discrimination does not prevent women from being discriminated against because, at the same time, this link creates blind spots regarding the violence, the lack of representation and the discriminatory practices women face in the contemporary Mexican society. Rather, it is a political, liberal argument to oppose the recognition of Indigenous autonomy and normative systems.

Conclusions: Indigenous women, tradition and the third space

Throughout this dissertation I have explored the relationship among Indigenous nationalism, tradition and gender. I have argued that Indigenous nationalism is a political process in which tradition and historical models are evoked, gender roles are constructed; and symbols, customs, political and social practices are selected in the assertion of the right to a homeland and self-determination.

The political purpose of constructing Indigenous nationalism is to represent a homogeneous identity and to create a sense of deep commonality based upon tradition. In the interface between nationalist discourses, territorial struggles and tradition, gender does not appear as an obvious component because Indigenous nationalism emphasis is the distinction between a 'them' and 'us'. However, this study has demonstrated that Indigenous nationalism uses 'tradition' and 'woman' as both identity and internal boundary makers. As a political movement, Aboriginal nationalism essentializes tradition and culture as symbolic border guards in the construction of national identity. Thus, gender symbols, cultural practices and behaviour become central to the preservation of tradition, the construction of national identities and the distribution of the nation's material content. Tradition, in this sense, becomes a problematic site for social and political contestation.

From its varied perspectives, this dissertation suggests several interconnected conclusions. Fundamentally, dominant groups also dominate the discourse on tradition and the subordinate groups whose discourse differs from that of the dominant. As the contestable issue of gender remains submerged in political struggles emphasizing cultural difference and experiences of material and social inequalities, Indigenous women' voices remain 'muted,' Nevertheless, as Shirley Ardener explained in her introduction to *Defining Females* (1978), muted groups are not deficient in their capacity for language, nor are they necessarily quieter than the dominant group. Rather, the 'mutedness' of one group may be regarded as the 'deafness' of the dominant group. Moreover, the dominant group's deafness forces subordinated groups such as Indigenous women to create alternative spaces of action and strategies aimed at challenging the legitimacy and hegemony of dominant discourses and power.

Indigenous communities and organizations, in their efforts to turn their cultural difference into a political advantage, have integrated tradition into politics and transformed it into a significant symbolic capital with different functions and values according to different contexts. As Schochet (2004: 309) has observed, the codification of tradition is among the more effective sources of social and political control and approval as it is aimed at persuading the members of a community that their commonalities are more relevant than their differences. The codification of tradition, enforcement, and even the 'invention of tradition" must be understood as attempts to institute unity. Difference is expressed in simple terms of white and black and internal difference is rendered equally problematic. However, while these projects are imagined in affinity with the local subjects, the logic upon which they are founded inhibits efforts to understand or empower those individuals who live ‘out of the way’ (Tsing, 1994). Furthermore, the integrating traditions are often those of or at the service of the dominant group, expressing economic and political control and gender discrimination.

Quite often, gendered struggles against colonialism have been reduced to "women's issues" by the formal male leadership, and then presented as a wholesale threat to Aboriginal sovereignty (Lawrence and Anderson, 2005: 3). In this process, women's demands for inclusion and equality have been dismissed by isolating them and framing them as ‘individual concerns’. A number of scholars (LaRocque, 1997; Dion Stout, 1994; Hernández, 1999; Sierra, 2000) have demonstrated that formal male leadership has refused to address colonialism when women, rather than men, are its target. Thus, women's rights are constructed as obstacles to collective rights to sovereignty and self-determination.

As a subordinate group, Indigenous women act to transform the interface between discourses of place, tradition and politics in Aboriginal struggles. In this process, Indigenous women are not merely subject to unified racial and gendered identities, but are agents claiming to construct and mediate meaningful complex subjectivities. Indigenous women articulate discourses that both reproduce Indigenous tradition and resist the hegemony of dominant representations of tradition. Thus, the terrain in which Indigenous women act is a third space of enunciation strategically hybridized, as women's actions are in dialogue with different discourses.

"Hybridity" is an important concept coined by Homi Bhabha. In the *Location of Culture,* Bhabha speaks of a movement that takes place beyond binary conceptualizations when representing difference. The representation of difference does not occur as the reflection of pre-given ethnic or cultural traits set in the 'fix tablet of tradition.' Rather, the articulation of difference from a minority or subordinated perspective occurs as a complex, on-ongoing negotiation that seeks to authorize cultural hybridities that emerge in the context of historical transformations. The process of cultural translation and transposition occurs in a 'third space' or 'liminal' space that allows the creation of a meaning that is 'neither one nor the other' (2004: 52-56).

As supporters of tradition, Indigenous women emphasize their different roles as nurturers, transmitters of culture, and mothers in order to claim their authority and responsibility to transform their communities while, at the same time, they inscribe this transformation in the translation and modulation of culture. In other words, Indigenous women desire to transform their communities by drawing upon globally circulated discourses. Nonetheless, if the terrain in which Indigenous women act is crucially hybridized, the possibility exists that their practices can simultaneously be strategies of resistance and reproduction of external disempowering hegemonies. From this perspective, Indigenous women find themselves assimilating in order to resist (Fiske, 1995).

Quite often, they turn to the state's tools and rules in order to secure or to gain status and benefits. The struggle against assimilation lies at the centre of gender tensions and the paradoxes confronting women. While Indigenous women argue that the removal of sexual discriminatory norms and practices should take precedence over self-determination, Indigenous men argue that Indigenous governments should be able to control citizenship. Women's appeals to external power and hybrid discourses may undermine Aboriginal self-government and autonomy and diminish the cultural, political and economic benefits attached to the recognition of Indigenous identity.

Nevertheless, since Indigenous women's practices resonate in multiple discourses, these practices are also contingent. Contingency opens a variety of strategies, in which actors have partial control over meanings, effects, and most actions (Golden, 2001). This contingency also affects aspects of women's contradictory and complex experiences and positions and compromises their gains. The ambivalent position of Indigenous women is, in this sense, related to the contradictory outcomes they may get from external powers, which can both limit women's access to resources and further disempower the community by utilizing assimilationist policies to regulate women's rights.

A non-classical comparison: Mexico and Canada

The cross-national comparison of Mexico and Canada as well as the four case studies I have explored in this dissertation suggest that since Indigenous nationalism is a political ideology linked to the globalization process, it affects politics and the way in which identities are represented. Indigenous nationalism is expressed in similar ways in different societies, partially because the rhetoric of tradition becomes the axis of equivalence that Indigenous peoples share and the common ground on which Indigenous nationalism is constructed.

Although Mexico and Canada have different histories and legal traditions, these countries have experienced similar political environments or transitional contexts, which have helped Aboriginal peoples to press for political autonomy and sovereignty. Moreover, in both countries, specific political moments have created the context for a wider and deeper discussion about the legitimacy of Indigenous demands. In Canada, constitutional failures to define the symbolic nature of the Canadian political community created a more propitious environment to discuss Aboriginal rights. In Mexico, on the other hand, the variable and unstable political situation together with the development of a human rights discourse allowed the expansion of Indigenous demands.

As argued previously, at the general level, Mexico and Canada have similarities and differences. These two countries differ in: (1) their legal-historical tradition; (2) political culture; (3) their institutions; (4) Canada makes a greater attempt than Mexico to accommodate diversity than in Mexico; (5) Canada has the Quebec's latent separatist movement; (6) in Canada, Aboriginal inherent rights are recognized and affirmed though they are not defined; (7) in Canada, a historical politics of racial segregation and the creation of reservations inhibited the Indigenous peoples' sense of belonging and sharing of values; 8) in Mexico, the merging of Spanish and Indigenous cultures resulted in a strong *Mestizo* culture represented as a model to follow; 9) in Mexico, the efforts to redefine the state's relationship with Indigenous people is still in its infancy; 10) in Mexico, the

Zapatista uprising has shaped contemporary Indigenous politics; 11) in Mexico some Indigenous peoples have pursued a *de facto* political autonomy to counteract state authority; 12) in Mexico, Indigenous customary laws are legally recognized in some local state constitutions; 13) Canada is a more decentralized federalism, while Mexico ,even if formally federal, has a highly centralized political structure, such centralization is expressed in the subordination of local constitutions, which could jeopardize the local recognition of Indigenous customary law.

In both Mexico and Canada, whenever the question of Indigenous sovereignty within national borders has been raised, the governments have historically taken several positions: (1) the classic strategy of denial of indigenous rights; (2) a theoretical acceptance of indigenous rights and the idea that they have been historically extinguished; and (3) the adoption of legal doctrines that change Indigenous rights from autonomous to contingent rights, existing under the frame of colonial law (Alfred 2000). The first and second strategies have been applied in both countries at different times; the third strategy has been used in Canada. All these elements have helped to shape the nature of Indigenous nationalism in both Mexico and Canada.

In Mexico, Indigenous peoples' nationalist aspirations have faced a strong state nationalism, which has historically represented the Mexican national identity as unified and homogeneous. National state-building in Mexico developed under the idea of "one people, one culture," so the abolition of the status of *pueblos indios* or Indigenous peoples was necessary in order to make them plain citizens.

Ironically, such homogeneous identity is portrayed as being the result of Spaniard/Indigenous mixed breeding. Therefore, Indigenous images and representations were incorporated as one of the pillars of the Mexican *Mestizo* national identity.

These circumstances created a paradoxical situation in Indigenous peoples' experience: they have a strong sense of belonging to the political community, yet they feel excluded from it. The discursive and practical synthesis of national belonging and cultural difference is challenging and strategic. Difference and sameness are elements that shape the type of Indigenous nationalism constructed in Mexico. Indigenous peoples in this country do not question the legitimacy of the dominant national state and its claim to a larger territory. Rather, they question the legitimacy of a national political project that has historically excluded Indigenous peoples. In this sense, indigenous peoples demand the redefinition of the national political project and their inclusion in it. Indigenous peoples' inclusion of difference in Mexico is framed within the notion of political autonomy, which implies the creation of a political arrangement aimed at recognizing the Indigenous right to self-determination while reinforcing the Indigenous peoples' sense of belonging to the political community.

Perhaps John Borrows' (1999) articulation of difference and sameness through his notion of "landed citizenship" best explains Indigenous nationalism in Mexico. Borrows advocates for Aboriginal national belonging in Canada by affirming that Aboriginal peoples have a right and an obligation as prior Indigenous citizens to participate in Canada's ongoing political, economic, social and cultural project. Nonetheless, Aboriginal citizenship requires that this participation occur in concert with other Canadians and Aboriginal communities. In other words, what is different could reconfigure what is held in common.

From this perspective, the contemporary Indigenous nationalist movement in Mexico has appropriated Mexican national symbols and combined them with Indigenous local traditions in order to construct a redefined nationalism. Moreover, by emphasizing sameness and difference, Indigenous peoples strategically place themselves within a mobile field of political and cultural discourse that, on the one hand, allows the assertion of Indigenous self-determination and, on the other, facilitates the construction of alliances with other sectors of the civil society. Nevertheless, as I have shown Indigenous peoples have not always been successful in asserting sameness and difference at the same time.

In contrast, Canada's Indigenous peoples, once military and trade allies of the European settlers, were later excluded from citizenship and racially separated from the mainstream society. State-crafting in Canada became centered on the two founding European descendant groups. Aboriginal peoples' exclusion and racial segregation helped to create a weaker sense of belonging and stronger alienation towards the political community among most Aboriginal communities than existed in Mexico. In addition, the creation of legal difference has made it difficult for Aboriginal peoples to build a common front or a unified nationalist movement. Therefore, Aboriginal peoples in Canada have pursued their nationalist aspirations independently, through different means and with different scopes.

As citizenship states the terms in which individuals belong to the political community, racial segregation and the creation of reservations in Canada, prevented Aboriginal peoples from enjoying citizens' rights until relatively recent. In this sense, Aboriginal peoples have not closely participated with other Canadians in building Canada. Thus, Aboriginal nationalism in Canada is not built on sameness and difference but rather on historical difference, prior existence and inherent rights, which perpetuate separation.

Unlike the federal government in Mexico, that in Canada has demonstrated recent willingness to respond to Aboriginal nationalist aspirations by signing modern treaties aimed at accommodating Aboriginal peoples within Canadian political structures and governance traditions, but Canada's Aboriginal peoples' rights are constitutionally recognized and affirmed, the accommodation of their nationalist aspirations have followed different paths.

Indigenous women between the nation and tradition

a) cross-national comparison

Indigenous Nationalism is a discourse of power and a declaration of nationhood representing a homogeneous identity and creating a sense of deep commonality based upon tradition. In the nationalist rhetoric, culture, the immemorial past, and tradition are constructed and represented as a collective, stable and continuous foundational process. However, as I have shown throughout this dissertation, cultural discourses are battlegrounds rather than shared points of departure.

In the rhetoric of tradition, gender and gender roles within the nation are constructed as 'natural and biological' differences between the sexes. Nevertheless, gender is not simply a characteristic possessed and expressed by individuals but also a relationship of power socially constituted and exercised through social interactions. These power relationships between subjects and the construction of gender roles are significant not only for locating and identifying female and male persons but also for giving them differentiated powers to act in the various political contexts. From this perspective, tradition is a political resource used in building communities, nations and gender identities.

As such, the rhetoric of tradition is aimed at concealing the conflictive power relationship between gender and tradition and also at legitimizing the status quo, which generally excludes Aboriginal women and their concerns. From this perspective, cross-national comparisons of both Mexico and Canada show that Aboriginal nationalist movements have constructed women's rights and aspirations as 'unauthentic' or threatening to tradition and to the political and cultural liberation of Aboriginal peoples.

In Canada, the contemporary political position of Aboriginal women and their ability to be fully engaged citizens in both their communities and the dominant society is seen as the result of colonial frameworks and values and racism and sexism. In Mexico, the position of subordination in which Indigenous women find themselves is, rather, seen as related to Indigenous tradition and its gender bias. This situation expresses several significant differences between these two countries and also determines the alternative spaces of action Indigenous women create.

In Canada, Aboriginal peoples' subordination expresses the racial separation between Aboriginal peoples and the dominant society. From this perspective, patriarchy and gender discrimination are conceived as colonial constructions imposed upon Aboriginal societies, which are reconstructed as gender-balanced societies. As such, Aboriginal women perceive patriarchy and gender discrimination to be colonial tools, which have been internalized and reproduced by Aboriginal males, who, nonetheless, justify their hegemonic position by referring to it as 'traditional'. Although colonialism is a point of departure, the claim of Aboriginal women is not homogeneous in Canada. Although for the purpose of clarity, I identify two separate perspectives, such separation is not as clear in Indigenous women's discourses, for these discourses are most often hybrid.

The first perspective is what can be called "maternalist". From this perspective, Aboriginal women challenge a male-centred, coopted leadership and negotiate their potential or actual political situation by constructing a discourse that emphasizes and essentializes the nurturing femininity associated with women's nature and 'traditional' past. In doing so, Indigenous women claim their authority to act in the public space as an expression of their responsibility towards their communities. Since patriarchy and gender discrimination are conceived as colonial impositions, Aboriginal women claim decolonization to be a return to a traditional past and the restoration of their traditional roles as women. In pursuing a balanced gender relationship, Indigenous women claim a vision of tradition that is neither the male leaders' nor a non-Indigenous vision, but a different vision that places women at the centre of their communities and that justifies their actions.

The second perspective is what I term the "Indigenous liberal" perspective, which also challenges the legitimacy of Aboriginal male leadership by using a more hybrid discourse by claiming gender equality should be part of self-determination and self-government. By drawing upon more global discourses and legal tools, organizations such as the Native Women's Association of Canada claim their right to transform their communities and realities.

In contrast, Indigenous women in Mexico identify their current tradition as their communities' traditions. However, by articulating feminist concepts and a human rights discourse, Indigenous women challenge the authority of their tradition and leadership. However, these challenges and critiques have been politically used to oppose Indigenous political autonomy in this country.

In Canada, Aboriginal women's activism has challenged the Canadian state's discriminatory provisions by taking the government to court and creating Aboriginal organizations representing the Inuit, the Métis, and the First nations women separately. Although Aboriginal activism in Canada had a high profile between the 1970s and early 1990s, this Aboriginal activism has developed into a low profile movement by using institutional channels provided by the federal government, community involvement, and women's kin networks.

In contrast, in Mexico in the 1980s and early 1990s, Indigenous women's activism had a low profile until women became visible after the Zapatista uprising in 1994. Unlike Indigenous women in Canada, those in Mexico tend to articulate a single women's movement at the national level while being active at the local level. The articulation of a wider and diverse movement has increased Indigenous women's political visibility and also their ability to reformulate Indigenous claims for autonomy into a claim from a women's perspective under the idea of "autonomy with women's face and voice." Furthermore, since the Indigenous movement in Mexico has developed important alliances with the different social sectors of the civil society, the Indigenous women's movement is immersed in a process of complex on-ongoing negotiations that seek to legitimize and authorize women's cultural hybridities.

In Canada, in contrast, Aboriginal women have fought their battles in isolation. Neither the Aboriginal movements nor mainstream feminisms have been able to build bridges between Aboriginal and non-Aboriginal women. In Mexico, such bridges exist, but the alliance between Indigenous women and civil society has not always been expressed in positive outcomes for Indigenous women.

b) intra-cases comparison

The four cases that I have explored in this dissertation are nationalist projects and, as such, they clearly articulate conflictive relationships between gender, tradition and nationalism. Generally, the analysis of the Nunavut, Chiapas, Nisga'a and Oaxaca cases show that: (1) the emergence of Indigenous nationalism was associated with economic pressure on Indigenous lands and resources; (2) the contemporary nationalist movements started to emerge in the 1970s; (3) while Indigenous women support their peoples' nationalist aspirations, women's aspirations and activism are considered a threat to the overall nationalist project; (4) Indigenous nationalisms are not homogeneous projects, nor are homogeneous views of the nation and tradition shared by all members of Indigenous communities; and (5) It is important to distinguish between tradition as a changing inherited set of practices, values, and knowledge and tradition as a political resource used in building communities, nations, and identities.

1) Nunavut and Oaxaca

We can identify some similarities and differences between two of the cases studied in this dissertation. Nunavut and Oaxaca are similar in that both represent the institutionalization of a new relationship between Aboriginal peoples' and government at the state/territorial level. Such institutionalization has been marked by efforts to redefine Aboriginal peoples and government's relations and also to redefine Indigenous women's relationships to their communities. This dissertation has showed that in both cases, the issue of overcoming the gender barriers to women's political participation did not go very far. Unlike the relationship between Indigenous peoples and the state government in Nunavut, this relationship in Oaxaca was focused on the recognition of Indigenous normative systems in the exercise of communitarian self-governance. Nunavut, on the other hand, compromised the exercise of Inuit self-government by placing it within the framework of the Canadian institutions and governance tradition.

In order to safeguard some elements of their cultural identity and maintain some control over their economy and territorial self-rule, the Inuit have adapted their self-government structures to the demands of living in a national state. This tactic has enabled the Inuit to interact with the Canadian state and the global economy. Although Nunavut was conceived as a "Canadian creature" strongly rooted in the confederation, it was also envisioned as representing the Inuit majority and serving their interests and protecting their culture and language. However, a growing sense of alienation permeates Nunavut political life because the Inuit people remain marginalized with regard to non-Inuit living conditions in Nunavut. Since most Inuit lack the educational skills needed to be inserted into Canadian institutions and political and economic structures adopted in Nunavut, non-Inuit or southerners fill the available jobs in this territory. The increasing sense of alienation among the Inuit is being expressed in the questioning of the goals of the Inuit land claims and in further attempts to articulate an Inuit traditionalist ideology.

In the context of the creation of Nunavut institutions, attempts at protecting 'Inuit tradition' and Inuit women's traditional roles were expressed in the gender parity proposal put forward to overcome the barriers to women's political participation inherited from colonialism. However, such a novel proposal failed in the middle of a heated debated about the nature of the Inuit nation, tradition, and traditional gender relations and identities. In the context of this political debate, the traditional Inuit leadership and women's organizations challenged the male-centred institutional political elite and negotiated their potential or actual political situation by constructing a traditionalist discourse based on the claim that the Inuit once had balanced gender relations. Nevertheless, this discourse did not exist in isolation, for a feminist approach focused on contemporary gender equality was also expressed through the mechanisms to legitimize women's representation. Overall, the debate proved to be a battleground of competing visions of tradition, cultural hybridities, the nation, gender roles, identity, and power relations.

In Oaxaca, on the other hand, the Indigenous Law recognizing Indigenous self-government passed in the middle of a political debate on customary law and its negative consequences for Indigenous women. As a result, the state government incorporated some gender provisions that suggested the government's lack of commitment to women's rights. Moreover, since the political debate centred only on customary law and its implications for women's rights, this debate has created blind spots about the realities of Indigenous and non-Indigenous women outside the jurisdiction of Indigenous normative systems. This outcome suggests that the linking of women and customary laws is a political strategy aimed at attacking claims to political autonomy. By contrasting two local cases, I showed that even though in Oaxaca's diverse landscape not all communities and municipalities are ruled by customary law, women are still disenfranchised in those communities and municipalities not ruled by customary law, but where tradition still defines identity and gender roles and where traditionalism conceals class relations and the increasingly differential relationships of Indigenous peoples to the traditional resources. Therefore, discourses on the symbolic power of women conceal gender discrimination and reveal a society that ignores and even justifies it.

Furthermore, in the case of the Mixe, who are ruled by customary law, Indigenous women have more power to question their peoples' tradition and the legitimacy of customary norms' authority because Mixe women's appeals to external authority and power actually undermine the authority of customary law. Unlike the Mixe women, the Zapotec women are as economically independent as the women in Nunavut, yet are not as effective in negotiating political power. This finding suggests that we should not assume that democratic institutions and formal representations necessarily eliminate gender discrimination. Rather that the contestable issue of gender is often taken for granted.

2) Chiapas and Nisga'a nation

Nisga'a and Chiapas' Zapatista communities, particularly the municipality of San Andrés, were both influenced by the Church in the development of

Indigenous nationalism. In both cases, the Church opened, to some extent, a space for the reconstitution of political mobilization and territorial rights. Nisga'a syncretic or vernacular Christianity and Chiapas Liberation Theology created a gospel that was reformulated and adopted by the Nisga'a and the different Mayan peoples from Chiapas, respectively. Religion and a strong sense of tradition and culture merged with politics, creating a particular nationalist rhetoric that tends to emphasize continuity even though culture and tradition have been modified by external cultures and religious values.

Unlike, the Nisga'a, Nunavut, and Oaxacan communities, the Zapatista communities from Chiapas represent a *de facto* autonomic project that has constructed a redefined model of nationalism, which is projected from below and infused with Indigenous local traditions. As such, this model of nationalism has permitted a coalition of diverse yet culturally related Indigenous peoples pursuing their common political aspirations. Unlike the state of Oaxaca, which has a history of state/Indigenous peoples negotiations, the national state in Chiapas has provided the face of a common enemy in most Indigenous communities, thus facilitating the creation of multi-group coalitions.

However, historical and sociopolitical factors have conditioned the nature of this nationalist project. As I showed in this dissertation, the Zapatista nationalist movement has attempted to develop an inclusive and wider movement with the so-called civil society by making democratic, Indigenous and gender demands all at once. Nonetheless, the articulation of Indigenous demands based on a collective identity and tradition, civil society's demands based on modernity, and gender issues that fit neither within tradition nor hegemonic feminism has made achieving inclusiveness a difficult task. Moreover, the articulation of Indigenous and civil society's demands has resulted in a battle for political hegemony and cultural hybridities.

Important observations regarding the success of Indigenous activism can be drawn from the analysis of this case. First, although the *de facto* autonomic project of the Zapatista represents an alternative to the Mexican state's lack of willingness to recognize Indigenous political autonomy and territorial rights, the creation of autonomous municipalities unaccompanied by a framework for institutional representation seems to be an unviable solution for long-term political projects. For example, even though the Zapatista communities and, in particular, the municipality of San Andrés and their alliance with international and national NGOs have successfully pressured the government to reduce militarism in the region, the San Andrés Accords signed in 1996 still have not been implemented. Second, the alliance between the Indigenous peoples and communities and national and international NGOs exists because of the Indigenous political movement's inability to impact the national state. Third, the alliance between the Zapatista Indigenous communities and civil society has proved to an uneasy relationship revealing the dynamics of power relationships between Indigenous peoples and *Mestizo* society.

In this conflict, Indigenous peoples have struggled to remain central political actors and to advance their nationalist aspirations. This situation is also reproduced in the Indigenous women's movement, which has increased its isolation from the male dominated Indigenous movement and the dominant feminist movement, which perceives Indigenous women's aspirations as 'pre-modern' and even as manipulated by the Zapatista Army. Nevertheless, unlike the Nisga'a women, those from the Zapatista communities in Chiapas have successfully entered the public space to demand their inclusion in their peoples' territorial struggles and decision-making. In doing so, they have created a hybrid articulation of difference that includes both Indigenous tradition/localities and global discourses on women's rights and personal autonomy. Important historical transformations have helped both Indigenous women and Indigenous peoples' activism and their articulation of cultural hybridities.

Nevertheless, as appeals to external power and discourse have uneven consequences, Indigenous women in Chiapas have been politically active, yet their rights and aspirations have not been easy to advance within the context of the Indigenous nationalist movements. These women have expressed their frustration with an Indigenous movement that does not acknowledge its sexism and that continues to use a politics of tradition to justify gender discrimination and to characterize women's aspirations as 'untraditional'. As well the government and some sectors of the society have used the argument of gender discrimination to entirely reject Indigenous political autonomy.

Nisga'a women, in contrast, have had a low political profile in the land-claim process. Unlike the women in Nunavut, Chiapas and Oaxaca, those in the Nass Valley have not had a visible political role either in negotiating self-government or in creating women's organizations to advance women's rights and aspirations. Rather Nisga'a women have created an alternative space of action through women's kin networks and through the influence they exercise on government agencies through their participation in the profesionalization of Nisga'a government.

As a "Janus-faced" nationalism, Nisga'a nationalist ideology portrays the nation as a modern, equal participant in the Canadian society, but also as historically committed to tradition, which is the substance of the nation's culture. The representation of this modern-traditional face of the nation affects the genders differently: women socially and culturally reproduce the nation while men control its destiny. Moreover, these representations are built upon the political uses of tradition, which have legitimized uneven gender relations and unequal access to power and resources within the Nisga'a nation. Therefore, the Nisga'a women have focused their efforts to create an alternative space of action reclaiming Nisga'a women roles as nurturers and responsibilities in building communities.

Like the Inuit in Nunavut, the Nisga'a people have adapted their self-government structures to the demands of living in a national state and have, thus, safeguarded their cultural identity. Specific institutions and arrangements have been created for the Nisga'a to advance economic and territorial self-rule and to enable them to interact with the Canadian state and the global economy. Nevertheless, the emergence of the contemporary Nisga'a nationalism is linked to the emergence of a political elite and the construction of a traditionalist discourse which represents culture, past and tradition as a collective, stable and continuous foundational process. The framework of reflexive traditionalism gave new meaning to the local adaptation of external modes of socio-cultural relations by constructing symbols of a traditional way of life and objectifying them to represent a constant flow of cultural reality from the past to the present, very much in contrast to the diminishing actual importance of traditional forms of social relations and the increase of class stratification.

The Nisga'a political elite has effectively used its position as intermediaries between the state and the population to perpetuate its political power for the benefit of itself and its constituents, thus establishing a local system of inequality. The political elite dominate the mode of representation of indigenous culture, supporting the existing power and gender relations with claims to represent a legitimate heritage of traditional social relations. From this perspective, the traditionalist ideology conceals class differentiation and social stratification with a discourse that legitimizes tradition. Furthermore, the leadership's ability to mobilize its constituency affects women's ability to foster solidarity on women's issues through kin networks.

Like the Zapotec from Oaxaca state, the Nisga'a construct nationalism so that women are assigned a hegemonic role in the cultural reproduction, private sphere, and community socialization. In contrast, men are assigned a central role in production, politics, culture and public life. In other words, while women are represented as the nation's traditional face, men are considered to be part of the outside and modern world or as the intermediaries between the outside and the community. This construction suggests that in political situations characterized by long-term stability, loyalty undermines shared meanings and class interests in favour of vertical 'traditional' kinship ties, which cannot be openly challenged.

From this perspective, nationalism is crucial not only to how gender roles are reconstructed and represented in relation to the nation, but also to how the nation's material content is distributed among members of the community and between men and women. While Nisga'a and Zapotec women are crucial in supporting the complex system of community celebrations, community cohesion, socialization and social reproduction of their cultures, their roles and attributes come to define those who would threaten the difference between 'home and the world.'

By examining the four cases in both Mexico and Canada, it is possible to argue that the relationship between nationalism and tradition expresses how power relations are constituted and reproduced between the sexes and within the nation. Nationalism and gender have an ambiguous relationship. On the one hand, Indigenous nationalism promotes women's activism; on the other, nationalism has limited women's political actions and horizons when women have been considered to be a threat to the overall political project (Hall 1993: 100).

Indigenous nationalisms are built upon a sense of sameness, unity, and strong commonality based upon tradition. Therefore, the supremacy of the collectivity over the individual is considered fundamental in any nationalist representation. In both Canada and Mexico, Aboriginal movements have been unwilling to focus on gender issues and women's aspirations as an issue separated from self-government or political autonomy and have used tradition to legitimize the status quo and to construct Aboriginal women's aspirations as non-traditional.

As such, the essentialization of tradition and culture is immersed in a process of discourse formation whose genealogy and history of representation is based on colonialism and oppression and which creates a 'regime of truth' that observers must accept. This process of discourse formation implies a regime of truth that is not pre-modern but modern. In this sense, Indigenous nationalism is a political project that counteracts modernity by representing a cultural difference that claims homogeneity, ancient roots and traditions, and unity. From this perspective, we can argue that Indigenous nationalism becomes an issue when identity is in crisis and something assumed to be stable and coherent is displaced and decentred, and doubt, uncertainty or threat is experienced. Tradition, in this context, is aimed at restoring lost unity and certainty. By being infused with political meaning, tradition loses its embeddedness in everyday life and is objectified in something strategically constructed. Tradition may even serve as a resource of militant fundamentalism to legitimize existing power and gender relations, to claim a legitimate heritage of traditional social relations, and to brand non-'traditional' members as dissenters or traitors to the culture.

Essentialist discourses on tradition silence Indigenous women's voices and perpetuate gender discrimination. The adoption of more fluid discourses on both identity and tradition would contribute to discarding fixed dichotomies emphasizing either the defence of tradition at any cost or the defence of the individual at any cost. Alternative discourses would recognize people, in particular, women's ability to define themselves in relation to their communities and their traditions. At the same time, such discourses would recognize that variations in space and time exist when cultural norms and tradition are fulfilled.

Bibliography

Abele, Frances, et al. 1999. "Negotiating Canada: Changes in Aboriginal Policy over the Last Thirty Years" in Pal, Leslie (Ed.) *How Ottawa Spends 1999-2000*, Toronto: Oxford University Press.

Abele, Frances. 2001. "Small Nations and Democracy's Prospect" in *Inroads* 10. 2001.

Access Law Group. 2002. "Nisga'a Chief Continues Challenge of the Treaty, Reclaims His Lands, www.accesslaw.ca (accessed March 2, 2005).

Adams, Howard. 1995. *A Tortured People*, Vancouver: Theytus Book LTD.

Aguilar, Domingo, Martín. 1992. *Zacatepec Mixe*, Círculo Fraternal De Zacatepec Mixe, Colección Historia y Sociedad, Oaxaca: Casa de la Cultura Oaxaqueña.

Akerman, Lillian A.1990. "Gender Status in Yup'ik Society" in *Etudes/Inuit/Studies* 14 (1-2), pp. 209-221.

Aks, Judith H. 2000. *Re-Evaluating Rights at the Intersection of Power: Indigenous Women's Legal Mobilization in the United States and Canada*, PhD Thesis in Political Science, University of Washington.

Alfred, Taiaiake and Corntassel, Jeff. 2005. Being Indigenous: Resurgences against Contemporary Colonialism, in *Politics of Identity IX*, Oxford: Government and Opposition Ltd.

Alfred, Taiaiake. 1995 *Heading the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Indigenous Nationalism*, Toronto: Oxford University Press.

Alfred, Taiaiake. 1999. *Peace, Power, Righteousness: An Indigenous Manifesto*, Oxford: Oxford University Press.

Alfred, Taiaiake. 2000. "From Sovereignty to Freedom: Toward an Indigenous Political Discourse" in Deloria, P. and Salisburry, N. (Eds), *Blackwell Companion to Native American History*, Blackwell.

Alfred, Taiaiake. 2001. "Deconstructing the British Columbia Treaty Process" in *Balayi: Culture, Law and Colonialism* 3.

Amagoalik, John. 2002. "From Non-Citizens to Nunavut" in Bird, John, et al, *Nation to Nation. Aboriginal Sovereignty and the Future of Canada*, Toronto: Irwing Publishing.

Anawak, Jack. 1996. Interview on the CBC North Radio program *Kiptairut*, Rankin Inlet, Nunavut.

Anaya Muñoz, Alejandro. 2004. "Explaining the Politics of Recognition of Ethnic Diversity and Indigenous Peoples' Rights in Oaxaca, Mexico." *Bulletin of Latin American Research* 23 (4) pp.414-433.

Anderson, Benedict. 1998. *Imagined Communities:* London: Verso.

Archibald, Linda and Crnkovich, Mary. 1999. "If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey's Bay Nickel Project" http://www.swc-cfc.gc.ca.pubspr/0662280024/199911_06622800_e.pdf (accessed November 04, 2005).

Ardener, Shirley. 1978. "Introduction" in Ardener, Shirley (Ed.) *Defihning Females*, New York: Wiley.

Armitage, Andrew. 1998. *Comparing the Policy of Aboriginal Assimilation: Australia, Canada and New Zeland*, Vancouver: University of British Columbia Press.

Armstrong, John. 1992. "Nationalism in the Former Soviet Empire" in *Problems of Communism* 41 (1-2), January-April, pp. 129-133.

Asch, Michael. 1993. *Home and Native Land. Aboriginal Rights and the Canadian Constitution*, Vancouver: UBC Press.

Assies, Wilem, van der Haar, Gemma and Hoekema, André. 1999. "La diversidad como desafío: una nota sobre los dilemmas de la diversidad" in Assies, Wilem, van der Haar, Gemma and Hoekema, André (Eds.), *El reto de la diversidad: pueblos indígenas y reforma del Estado en América Latina*, Michoacán: Colegio de Michoacán.

Aver'ianov, Vitalii. 2001. "Tradition and Traditionalism in Russian Academic Social Thought (from the 1960s to the 1990s)" in *Sociological Research*, Vol. 40, Num. 5, September-October, pp. 76-94.

Bhabha, Homi. 2004.*The Location of Culture,* London: Routledge.

Babadzan, Alain. 1988. "Custom and Nation Building in the South Pacific" in Guidieri, Remo, et al (Eds.) *Ethnicities and nations. Process of Interethnic Relations in Latin America, Southeast Asia and the Pacific*, Austin: University of Texas Press.

Barabás, Alicia M. 1998. "Reorganización política y territorial: caminos oaxaqueños para la autonomía" in Bartolomé, Miguel A. and Barabás, Alicia M (Eds.), *Autonomías étnicas y estados nacionales*, Mexico City: CONACULTA-INAH.

Barkan, Elazar and Ronald Bush. 1995. "Introduction" in Barkan and Bush (Eds.), *Prehistories of the Future: the Primitivist Project and the Culture of Modernism*, Palo Alto: Stanford University Press.

Barker, John. 1998. "Tangled Reconciliations: the Anglican Church and the Nisga'a of B.C." in *American Ethnologist* 25 (3), pp. 433-451.

Barre, Marie Chantal. 1985. *Ideología y movimiento indios*, Mexico City: Siglo XXI.

Barsh Russell, Lawrence. 1995. "The Aboriginal Issue in Canada's Foreign Policy 1984-1994" in *International Journal of Canadian Studies*, No. 12, Fall, 1995.

Bear, Shirley, with the Tobiques Women's Group. 1991. "You Cannot Change the Indian Act?" in Dwan Wine, Jeri and L. Ristock, Janine (Eds.) *Women and Social Change: Feminist Activism in Canada*, Toronto: James Lorimer.

Begoña, Echavarría. 2001. "Privileging Masculinity in the Social Construction of Basque Identity" in *Nations and Nationalism* 7 (3), pp.339-363.

Belausteguigoitia, Marisa. 2001. "Descaradas y deslenguadas: el cuerpo y la lengua india en los umbrales de la nacion" in *Debate Feminista (Racismo y Mestizaje)*, 12 (24), October.

Bell, Jim. 2004. Fundamentalists Seek Foothold in Legislature" in *Nunatsiaq News*, February 13, nunatsiaq.com/index.html (accessed September 13, 2004).

Bendix, Reinhard. 1970. *Embattled Reasons: Essays on Social Knowledge*, New York: Oxford University Press.

Benjamin, Thomas. 1996. *A Rich Land, a Poor People: Politics and Society in Modern Chiapas*, Albuquerque: University of New Mexico Press.

Benhabib, Sheyla. 1992. *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, New York: Routledge.

Benson, Nettie Lee. 1995. *La diputación provincial y el federalismo en México*, Mexico City: COLMEX.

Berry, Charles R. 1981. *The Reform in Oaxaca*, 1856-76, Lincoln: University of Nebraska Press.

Birch, Anthony. 1989. *Nationalism and National Integration*, London: Unwin Hyman.

Bird Rose, Deborah. 1996. "Land Rights and Deep Colonising: the Erasure of Women" in *Aboriginal Law Journal* 3 (85), pp. 6-14.

Blanco Fornieles, Víctor. 1996. "La cuestion indígena y la reforma constitucional en México" in *Revista Internacional de Filosofía Política*, 7.

Blumer, Irena. 1993. Native Women and Equality before the Courts. Ottawa: National Association of Women and the Law.

Boas, Franz. *Indians of North American British Columbia. Social Life and Custom.* http://www.canadiana.org/ECo/mtq?doc 14288 (accessed March 21, 2005).

Boderhorn, Barbara. 1990.""I Am Not the Great Hunter, my Wife is": Inupiat and Anthropological Models of Gender" in *Etudes/Inuit/Studies* 14 (1-2), pp. 55-74.

Booth, David, et al. 1997. *Popular Participation: Democratization in Rural Bolivia*, Stockholm.

Borrows, John. 1999. " Landed Citizenship: Narratives of Aboriginal Political participation" in Cairns, Alan et al (Eds), *Citizenship, Diversity and Pluralism*, Montreal: McGill-Queens University Press.

Bourgeault, Ron G. 1989. "Race, Class and Gender: Colonial Domination of Indian Women" in Jesse Vorst, et al (Eds.) *Race, Class, Gender: Bonds and Barriers*, Toronto: Socialist Studies: A Canadian Annual.

Bourgeois, Annette. "Gender Parity Proposal" in *Nunatsiaq News*, March 7, 1997, nunatsiaq.com/index.html (accessed September 01, 2004).

Bourgeois, Annette. "Nunavut Rejects Equity Plan: Eastern Artic Residents Vote Down Proposal to Elect a man and a Woman from each Riding" *Canadian Press*, 27 May 1997.

Boyer, Pascal. 1990. *Tradition as Truth and Communication*, Cambridge: Cambridge University Press.

Brading, David. 1985. *The Origins of Mexican Nationalism*, Cambridge: Cambridge University Press.

Brading, David. 2003. "La monarquía católica" in Guerra, Francois-Xavier and Annino, Antonio, *Inventando la nación*, Mexico City: Fondo de Cultura Económica.

Brantenberg, Terje and Minde, Henry. "Introduction: The Indigenous Perspective" in Brantenberg, et al (Eds.) *Proceedings of the Conference on Indigenous Politics and Self-Government* in Tromsø, 8-10 November, 1993

Braund, K.E.H. 1990. "Guardians of Tradition and Handmaidens to Change: Women's Role in Creek Economic Life During the Eighteenth Century" in *American Indian Quarterly* 14 (3), pp. 239-259.

Breuilly, John. 1996. "Approaches to Nationalism" in Balakrishnan, Gopal (Ed.) *Mapping the Nation*, London and New York: Verso.

Brown, Richard Harvey. 1993. "Cultural Representation and Ideological Domination" in *Social Forces* 71 (3), pp. 657-676.

Bruhn, Kathleen. 1999. "Antonio Gramsci and the Palabra Verdadera: the Political discourse of Mexico's Guerrilla Forces" in *Journal of Interamerican Studies and World Affairs*, 41 (12), Summer, pp. 29-47.

Burguete Cal y Mayor, Aracely.1991. *México: experiencias de autonomía indígena*, Guatemala: IWGIA-CECADEPI.

Burt, Alfred. 1993. *The Old Province of Quebec* 2 Vols. Toronto: McCelland and Stward.

Cairns, Alan. 1995. *Reconfigurations. Canadian Citizenship and Constitutional Change*, Toronto: McClelland and Steward Inc.

Cairns, Alan. *2000. Citizen Plus.* Vancouver: UBC Press, Vancouver, 2000.

Calhoun, Craig. 1997. *Nationalism*, Minneapolis: University of Minnesota Press, Minneapolis, 1997.

Callahan, Brain. 1992. *Inuit Educational and Language Programs in Nouveau Quebec* 1912-1991, Thesis presented at the University of Alberta, Edmonton.

Cambell, Howard. 1990. *Zapotec Ethnic Politics and the Politics of Culture in Juchitán, Oaxaca* (1350-1990). PhD Dissertation, University of Wisconsin.

Canada, Symbols of Nationhood, Minister of Supply and Services, Ottawa, 1991.

Cardinal, Harold. 1999. *The Unjust Society*, Seattle: University of Washington Press.

Carens, Joseph. 2000. *Culture, Citizenship and Community. An Exploration of Justice and Evenhandedness*, Oxford: Oxford University Press.

Carlsen, Laura, "Usos y costumbres indígenas: la innovación de la tradition" in *Chiapas*. ProDiversitas http:www.prodiversitas.bioetica.org/nata26.htm accessed February 20, 2004.

Carty, Kenneth R. and Ward, W. Peter. 1986. "The Making of a Canadian Political Citizenship" in Carty and War (Eds,)_*National Politics and Community in Canada*, Vancouver: University of British Columbia Press.

Casa Chousal,Yoloxochilt. 1994. "causas de la marginacion de las mujeres chiapanecas" in *Fem* 18, April.

Castañeda, Jorge. 1995. *The Mexican Shock*, New York: The New Press.

Castro Rea Julián. 2003. "Nunavut, los derechos indígenas y el federalism en Canadá" in *Nueva Antropología* (63), pp.41-70.

Castro Soto, Gustavo. 2003. "Para endender al EZLN" www.ciepac.org accessed October 15, 2004.

Chatterjee, P. 1989."The Nationalist Resolution of the Woman's Question" in Kum Kum Sangary and Sudesh Vaid (Eds) *Recasting Women*, Delhi: Kali for Women,.

Chennells, David, *The Politics of Nationalism in Canada. Cultural Conflict since 1760*, Toronto: University of Toronto Press.

Chevillard, Nicole and Leconte, Sebastien. 1986. "The dawn of Lineage Societies: the Origins of Women's Oppression" in Coontz, Stephanie (Ed.) *Women's Work, Men's Property: Origins of Gender and Class*, London: Verso.

Clancy, Peter. 1992. "Northwest Territories: Class Politics on the Northern Frontier" in Brownsey, Keith and Howlett, Michael (Eds.) *The provincial State: Politics in Canada's Provinces and Territories*, Mississauga: Copp Clark Pitman.

Clandestine Revolutionary Indigenous Committee from The Zapatista Army of National Liberation, "El primer alzamiento en marzo de 1993", January 24, 1994, in *Los hombres sin rostro*, Dossier on Chiapas, Mexico: SIPRO, 1994.

Clavero, Bartolomé. 1994. *Derecho indígena y cultura constitucional en América*, Mexico City: Siglo XXI.

Cleary, Matthew R. 2005. Indigenous Autonomy in Southern Mexico. Paper presented to the Centre for the Study of Democratic Politics, April 28.

Cleaver, Harry "The Chiapas Uprising and the Future of Class Struggle in the New World Order", Mimeo, University of Texas at Austin, 1994.

Clifford, James. 2004. "Traditional Futures" in Salber Phillips, Mark and Schochet, Gordon (Eds.), *Question of Tradition*, Toronto: University of Toronto Press.

Coates, Ken. 1999. "Being Aboriginal: the Cultural Politics of Identity, Membership and Belonging Among First Nations in Canada" in Behiels, Michael (Ed), *Aboriginal Peoples in Canada. Futures and Identities*, Quebec.

Collier, Jane. 1995. *El derecho zinanteco: procesos de disputar en un pueblo indígena de Chiapas*, Mexico City: CIESAS-UNIACH.

Collier, Jorge. 1994. *¡Basta! Land and the Zapatista Rebellion in Chiapas*, San Francisco: Food First Books.

Comaroff, Jean and Comaroff, John. 1991. *Of Revelation and Revolution: Christianity, Colonialism and Consciousness South*, Chicago: University of Chicago Press.

Comité Clandestino Revolucionario Indígena-Comandancia General del Ejército Zapatista de Liberación Nacional. 1994. *Segunda Declaracion de la Selva Lacandona*, Chiapas, June.

Condon, Richard, et al. 1995. "The Best Part of Life: Subsistence Hunting, Ethnicity, and Economic Adaptation among Young Adult Inuit Males" in *Artic* 48 (1), pp. 31-46.

Connor, Walker. 2004. "The Timelessness of Nations" in *Nations and Nationalisms* 10 (1/2), pp. 37-47.

Consejo Nacional de Población (CONAPO) http://www.conapo.gob.mx/micros/prontuario/08.pdf (accessed June 2, 2004)

Cook, Curtis and Lindau, Juan D. 2000. *Aboriginal Rights and Self-Government. The Canadian and Mexican Experience in North American Perspective*, Montreal: McGill-Queen's University Press.

Cook, Ramsay. 1995. *Canada, Québec and the Uses of Nationalism*, Toronto: McClelland and Stewart Inc.

Cosío, José Ramón, et al. 2000. *Derechos y cultura indígena. Los dilemas del debate jurídico*, Mexico City: Miguel Angel Porrúa.

Creery, Ian. 1993. *The Inuit (Eskimo) of Canada* , London: Minority Rights Group.

Cruickshan, David A. 1996. "Calder Case" in Marsh, James H. (Ed.) *Canadian Encyclopedia Plus*, Toronto: McClelland.

Cruz Rueda, Elisa. 2004. "Normas y procesos en San Marcos Móctum: expresiones del derecho Mixe" in Sierra, María Teresa (Ed.) *Haciendo Justicia. Interlegalidad, derecho y género en regiones indígenas*, Mexico City: Miguel Angel Porrúa-CIESAS-Cámara de Diputados.

Cusack, Tricia. 2000. Janus and Gender: Women and the nation's Backward Look, in *Nations and Nationalism* 6 (4), pp. 541-61.

Dahl, Jens. 1997. "Gender Parity in Nunavut?" in *Indigenous Affairs* 3-4, pp.42-47.

De la Cruz, Víctor. 1983. La *Rebellión del Che Gorio Melendre*, Juchitán: Ayuntamiento Popular.

Debate of the Senate (Hansard) 2nd Session, 36th Parliament, Vol. 138, Issue 43, April 5, 2000.

Deere, Carmen Diana and León, Magdalena. 2000. *Ciudadanía y derechos económicos: la importancia de la tierra para las mujeres latinoamericanas*, Bogota: Tercer Mundo and Universidad Nacional.

Del Valle, Teresa. 2000. "El género en la construcción de la identidad nationalista" in *Foru Hispánico, Revista Hispánica de los Países Bajos* 16, pp.37-44.

Deloria, Vine Jr. 1985. *Behind the Trail of Broken Treaties: an Indian Declaration of Independence*, Austin: University of Texas Press.

Department of Culture, language, Elders and Youth. 1999. *Report from the September Inuit Qaujimajatuqangit Workshop*.

Desmarais, Diedre. 1998. *The Native Women Association of Canada's Struggle to Secure Gender Equality Rights within the Canadian Constitution*, M.A. Thesis in Political Science, University of Regina.

Diaz Polanco, Hector. 1991. *La autonomía regional*, Mexico City: Siglo XXI.

Díaz, Floriberto. 1995. "Comunidad y comunalidad" unpublished paper.

Dion Stout, Madeleine. 1994. "Fundamental Changes Needed to End Violence," *Windspeaker*, November 20.

Dorais, Louis-Jacques. 1997. *Quaqtaq: Modernity and Identity in an Inuit Community*, Toronto: University of Toronto Press.

Drucker, Philip. 1958. T*he Native Brotherhood: Native Intertribal Organizations on the Northwest Coast*, Washington: Smithsonian Institute-Bureau of American Ethnologist Bulletin 168.

Drucker, Philip. 1963. *Indians of the Northwest Coast*: Garden City: Natural History Press.

Duffy, R. Quinn. 1988. *The Road to Nunavut. The Progress of the Eastern Artic Inui since the Second World War*, McGill-Queen's University Press: Kingston and Montreal.

Dupuis, Renee. 2002. *Justice for Canada's Aboriginal Peoples*, Toronto: James Lorimer and Company Ltd Publishers.

Dwane, Wilking. "Eskimos Seek Gender Equality" in *Fort Lauderdale Sun-Sentinel*, May 27, 1997.

Eckart, Boege. 1996. "Mito y naturaleza en Mesoamérica: los rituales agrícolas mazatecos" in *Etnoecología* 8 (4-5), August.

Einsenstad, S.N. 1973. *Tradition, Change and Modernity*, New York: Whiley.

Ejercito Zapatista de Liberacion Nacional. 2003. Comuniques on Zapatista Caracoles www.ezlnaldf.org and www.ezln.org accessed August 23, 2003.

Emberley, Julia. 2001. "Aboriginal Women's Writing and the Politics of Representation" in Miller, Christine and Chuchryk, Patricia (Eds.), *Women of the First Nations. Power, Wisdom and Strength*, Winnipeg: University of Manitoba Press.

Enloe, Cyntia H. 1980. *Ethnic Soldiers: State Security in Divided Societies*, Athens: University of Georgia Press.

Esparza, Manuel. 1988. "Los proyectos liberales en Oaxaca (1856-1910)" in Reina, Leticia (Ed.) *Historia de la cuestión agraria mexicana: Estado de Oaxaca*, Vol I: Prehispánico-1924, Mexico City: Juan Pablos Editor-Gobierno de Oaxaca-UABJO-centro de Estudios Históricos del Agrarismo en México.

Esteva, Gustavo. 2000. "The Revolution of the New Commons" in Cook, Curtis and Lindau, Juan (Eds.), *Aboriginal Rights and Self-Government: the Canadian and Mexican Experience in North American Perspective, McGill-Queens University Press.*.

Ewins, Rory. 1998. *Changing their Minds. Tradition and Politics in Contemporary Fiji and Tonga*, Canterbury: Macmillan Brown, Centre for Pacific Studies.

Exell, Robert. 1990. "History of Indian Land Claims in B.C. in *The Advocate*, Vol. 48, part 6, December, pp. 866-880.

Feldman, Alice. 2000. "Othering Knowledge and Unknowing Law: Transformative Narratives and Colonial Persistence in the Struggle for American Indian Religious Freedom" in *Social and Legal Studies* 9 (4), pp. 557-582.

Feldman, Alice. 2002. "Making Space at the Nation's Table: Mapping the Transformative Geographies of the International indigenous Peoples' Movement" in *Social Movements Studies*, 1 (1).

Fisher, Robin. 1977. *Contact and Conflict: Indian-European Relations in British Columbia*, Vancouver: University of British Columbia Press.

Fiske, Jo-Anne. 1991. "Colonization and the Decline of Women's Status" the Tsimshian Case" in *Feminist Studies* 17 (3), pp. 509-536.

Fiske, Jo-Anne. 1995. "The Political Status of Native Indian Women: Contradictories Implications for Canadian State Policy" in http://www.law-lib.utoronto.ca/Diana/fulltext/fisk.htm

Fiske, Jo-Anne.1987. "Fishing is Women's Business: Changing Economic Role of Carrier Women and Men" in Cox, Bruce Alden, *Native People, Native Lands. Canadian Indians, Inuit and Metis*, Ottawa: Carleton University Press.

Fleras, Augie and Elliot, J.E. 1992. *The Nations Within: Aboriginal-State Relations in Canada, the United States and New Zealand*, Toronto: Oxford University Press

Flores Vera, Juan Antonio. 2000. *Chiapas: élites y modernización política*, Mexico City: Omtoi Editions.

Florescano, Enrique. 1997. *Etnia, Estado y nación*, Mexico City: Aguilar.

Fogel-Chance, Nancy. 1993. "Living in Both Worlds: "Modernity" and "Tradition" among North Slope Iñupiaq Women in Anchorage" in *Artic Anthropology* 1 (30), pp. 94-108.

Foley, Michael. 1995. "Privatizing the Countryside. The Mexican Peasant Movementand Neo-liberal Reform" in *Latin American Perspectives*, 84 (22).

Foster, Hamar. 1998-99. "Honouring the Queen's Flag: a Legal and Historical Perspective on the Nisga'a Treaty" in *BC Studies* 120, Winter, pp. 11-36.

Fox, Jonathan and Gordillo, Gustavo. 1988. *Between the State and the Market: the Prospects for Autonomous Grassroots Development in Rural Mexico*, La Jolla: U.S.-Mexican Studies: University of California.

Fox, Jonathan. 1992. *The Politics of food in Mexico: State Power and Social Mobilisation*, Ithaca, New York: Cornell University Press.

Frideres, James S. 2001 "The Historical Roots of Canadian Colonialism" in Frideres and Gadacs, Rene R. *Aboriginal Peoples in Canada: Contemporary Conflicts*, 6th ed., Scarborough: Prentice Hall.

Frideres, James. 1993. *Natives Peoples in Canada*, Scarborough: Prentice Hall,.

Friedman, Jonathan, and James Carrier (Eds.). 1996. *Melanesian Modernities*. Lund: Lund University Press.

Friedman, Jonathan. 1999. "Indigenous Struggles and the Discreet Charm of the Bourgeoisie" in *Australian Journal of Anthropology*, Vol. 19 (1).

Friedrich, Carl J. 1972. *Tradition and Authority*, New York: Praeger.

Gagnon, Alain-G. 1999. "Quebec's Constitutional Odissey" in Bickerton, James and Gagnon, Alain (Eds) *Canadian Politics: An Introduction to the Discipline*, Toronto: Broadview Press, , 1999.

Gamio, Manuel. 1919. *Programa de la Direccion de estudios arqueologicos y etnograficos*, Mexico.

García de León, Antonio. 2002. *Fronteras interiores. Chiapas: modernidad particular*, Mexico City: Oceano.

Garfield, Viola. 1939. *Tsimshian Clan and Society*, Seattle: University of Washington.

Garza Caligaris, Anna Maria. 1999. *El genero entre normas en disputa. Pluralidad legal y genero en Chenalho*. MA Thesis in Social Anthropology, Facultad de Ciencias Sociales, Universidad Autonoma de Chiapas.

Gellner, Ernest. 1983. *Nations and Nationalism*, Ithaca: Cornell University Press.

Gellner, Ernest. 1988. *Naciones y nacionalismo*, Mexico: CONACULTA-Alianza Editorial.

Gellner, Ernest. 1994. *Encounters with Nationalism*, Oxford: Blackwell.

Gertz, Clifford. 1963. "The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States" in Gertz, C. (Ed.) *Old Societies and New States: The Quest for Modernity in Asia and Africa,* New York: Free Press, New York.

Gibernau, Monserrat. 1999. *Nations without State. Political communities in a Global Age*, London: Polity Press.

Giddens, Anthony. 1991. *Modernity and Self-Identity in the Late Modern Age*, Stanford: Stanford University Press.

Gijón-Cruz, Alicia Sylvia y Rafael G. Reyes Morales. 2000. "Contribuciones del papel de la jefa de familia y las remesas internacionales a la calidad de vida en la comunidad zapoteca San Lucas Quiaviní, Oaxaca" In *Oaxaca: Población en el Siglo XXI,* DIGEPOCONAPO, September.

Gijsbers, Wim. 1999. Usos and costumbres. Caciquismo e intolerancia religiosa, Oaxaca: Centro de Apoyo al Movimiento Popular Oaxacaqueno A.C.

Gilbreth, Chris and Otero, Gerardo. 2001. "Democratizacion in Mexico. The Zapatista Uprising and Civil Society" in *Latin American Perspectives*, Issue 119, 8 (4), July, pp. 7-29.

Globerman, Steven. 2001. "Investment and Capital Productivity" in Kunin, Roslyn (Ed.) *Prospering Together. The Economic Impact of the Aboriginal Settlement in B.C.* Second Edition, Vancouver: The Laurier Institution.

Gobierno de Oaxaca, *Representación que el Gobierno de Oaxaca dirige al Soberano Congreso Constituyente*, Oaxaca, 1856. Edición facisimilar, Oaxaca: Ediciones Toledo.

Goetze, Diana. 1995. "The Zapatista Women: the Movement from Within" in *Zapatistas. Documents of the New Mexican Revolution* New York: Autonomedia http://www.actlab.utexas.edu/~geneve/zapwomen/goetze/thesis.html (accessed February 21, 2003).

Golden, Brigham. 2001. "The Lessons for Indigenous Women Theory and Activism in Feminist Anthropology" in *Voices the annual publication of the Society for Feminist Anthropologists,* http://www.papuaweb.org.dlib/artikel.html (accessed December 2005)

Gombay, Nicole. 2000. "The Politics of Culture: Gender Parity in the Legislative Assembly of Nunavut" in *Etudes/Inuit/Studies* "4 (1), pp.125-148.

Gómez, Magdalena. 1990. "La defensoría jurídica de presos indígenas" en Stavenhagen, Rodolfo and Iturralde, Diego (Eds.), *Entre la ley y la costumbre: el derecho consuetudinario indígena en América Latina*, Mexico City: Instituto Indigenista Interamericano.

González, Henry Gedges. 1999. "Icon, Conquest, Trasnationalism: the Visual Politics of Constructing Difference in the Americas", in Passages: a Journal of Trasnational and Transcultural Studies 1 (1), pp.33-52.

Gopal, Kusum. 2000. "Mythic Rights and Land Rights in Northern India" in *Ethnohistorical Analysis,* National Museum of Man Mercury Series, Canadian Ethnology Service (Eds.) Land, Law and Environment, London: Pluto Press, pp. 136-153.

Gossen, Gary. 1996. Maya Zapatistas Move to the Ancient Future" in *American Anthropologist* 98 (3), September, pp.528-538.

Government of British Columbia. 1877. *Papers Connected with the Indian Land Question 1850/1875, 1877*, Victoria: Government Printer.

Gray, John, "Nisga'a Tempted by Bigger, Better Land Deal: the B.C. Natives Signed an Agreement in Principle More than Two Years Ago but a Landmark Supreme Court Ruling has Become and Invitation to Gamble on More" in *The Globe and Mail*, June 8, 1998.

Green, L.C and Dickason, Olive P. 1993. *The Law of Nations and the New World*, Edmonton: University of Alberta Press.

Guemple, Lee. 1986. "Men and Women, Husbands and Wives: the Role of Gender in Traditional Inuit Society" in *Etudes/Inuit/Studies* 10 (1-2), pp.9-24.

Guemple, Lee. 1995. "Gender in Inuit Society" in Klein, Laura F and Ackerman, Lillian A. (Eds.) *Women and Power in Native North America*, Oklahoma: University of Oklahoma Press.

Guerra, Francois-Xavier, "Introduction" in Guerra, Francois-Xavier and Annino, Antonio. 2003. *Inventando la nación, Mexico City:* Fondo de Cultura Económica.

Guerra, Francois-Xavier. 2003 "Las mutaciones de la identidad en la América española" in Guerra and Annino, 2003.

Gurr, Ted Robert. 1993. Minorities at Risk: A Global View of Ethnopolitical Conflicts, Washington DC: United States Institute of Peace Press.

Gutiérrez, Margarita and Palomo, Nellys. 1999. "Autonomía con mirada de mujer" en Burguete Cal y Mayor, Araceli (Coord.), *México: Experiencias de auntonomía indígenas*, Documento IWGIA Num. 28, Copenhagen.

Gutiérrez, Natividad. 1999. *Nationalist Myths and Ethnic Identities: Indigenous Intellectuals and the Mexican State*, Lincoln: University of Nebraska Press.

Hall, Catherine. 1993. "Gender, Nationalism and National Identities: Belagio Symposium, July 1992." *Feminist Review* 44 (Summer): 97-103.

Hall, Stuart. 1996. "The Question of Cultural Identity" in Hall, Stuart et al, *Modernity. An Introduction to Modern Societies*, Cambridge: Blackwell.

Hall, Stuart, "The West and the Rest: Discourse and Power" in Hall, et al, 1996.

Hall, Stuart. 1987. "Minimal Selves" in *Identity: the Real Me*, London: ICA Document 6, Institute of Contemporary Arts.

Hamilton, Lawrence C., and Seyfrit, Carole L. 1994. "Coming Out of the Country: Community Size and gender Balance among Alaskan Natives" in *Artic Anthropology* 31 (3), pp. 16-25.

Harkin, Michael. 1993. "Power and Progress: the Evangelic Dialogue among the Heiltsuk", *Etnohistory* 40, pp. 1-33.

Harles, John. 1998. "Multiculturalism, National identity and national Integration: the Canadian Case" in *International Journal of Canadian Studies*.17, pp.217-245.

Harlow, Vincent.1964. T*he Founding of the Second British Empire*, Vol.1: *New Continents and Changing Values*, London Longmans.1964.

Harris, Douglas C. 2001. *Fish, Law and Colonialism*, Toronto: University of Toronto Press.

Harvey, Neil, *The Chiapas Rebellion. The Struggle for Land and Democracy*, Duke University Press, 1999.

Harvey, Neil. 1998. *Chiapas Rebellion. The Struggle for Land and Democracy*, Duke: Duke University Press.

Harvey, Neil. 2001. "Globalisation and Resistance in Post-Cold War Mexico: Difference, Citizenship and Bio-Diversity Conflicts in Chiapas" in *Third World Quarterly* 22 (6), pp. 1045-1061.

Harvey, Neil. *Rebellion in Chiapas: Rural Reform, Campesino radicalism and the Limits of the Salinism Transformation of Rural Mexico*, Series (5), San Diego: Center for the U.S.-Mexican Studies.

Havemann, Paul, *Indigenous Peoples' Right in Australia, Canada and New Zeland*, Toronto: Auckland Oxford University Press.

Haythornthwaite, Gabriel. 2000. "Tossing the Templates: B.C. Natives Reject Nisga'a Style Treaties" in *Canadian Dimension*, September/October, 34 (5).

Henriquez Arellano, Edmundo. 2000. "Usos, costumbres y pluralism en los Altos de Chiapas" in Viqueira, Juan Pedro and Sonnleitner, Willibald (Coord.), *Democracia en tierras indigenas*, Mexico City: CIESAS-COLMEX-IFE.

Hernández Castillo, Aída.2001. "Entre el etnocentrismo feminista y el essencialismo étnico. Las mujeres indígenas y sus demandas de género" in *Debate feminista* 12 (24) 2001.

Hernández Castillo, R. Aída. 2000. "National Law and Indigenous Customary Law: The Struggle for Justice of Indigenous Women in Chiapas, Mexico", SIBEJ-CONACYT.

Hernandez Castillo, Rosalva Aida. 2001. *La otra frontera. Identidades multiples en el Chiapas postcolonial*, Mexico City: CIESAS-Miguel Angel Porrua.

Hernández Díaz, Jorge. 1993. "Etnicidad y nacionalismo en México: una interpretación" in Hernández Díaz, Jorge, et al (Eds.), *Etnicidad nacionalismo y poder. Tres ensayos, Oaxaca*: Universidad Autónoma Benito Juárez de Oaxaca.

Hernández Díaz, Jorge. 2001. *Reclamos de la identidad: la formación de las organizaciones indígenas en Oaxaca*, Mexico City: Miguel Angel Porrúa-Universidad Autónoma Benito Juárez de Oaxaca.

Hernández Navarro, Luis. 1999a. "El laberinto de los equívocos: San Andrés y la lucha indígena" in *Chiapas* 7.

Hernández Navarro, Luis. 1999b. "Reaffirming Ethnic Identity and Reconstructing Politics in Oaxaca" in Wayne, Cornelius, et al (Eds.), *Subnational Politics and Democracy in Mexico*, La Jolla: Centre for U.S.-Mexico Studies.

Hicks, Jack and White Graham. 2000. "Nunavut: Inuit Self-Determination Through a Land Claim and Public Government?" in Dahl, Jens, et al (Eds.) *Inuit Regain Control of Their Lands and Lives*, Copenhagen: International Work Group for Indigenous Affairs.

Hill Collins, Patricia. 1994. "Shifting the Center: Race, Class, and Feminist Theorizing about Motherhood" in Bassin, Donna, et al (Eds.), *Representations of Motherhood*, New haven: Yale University Press.

Hindley, Jane. 1996. "Towards a Pulticultural Nation: the Limits of Indigenism and Article 4" in Aitken, Rob, et al (Eds.) *Dismantling the Mexican State?*, New York: Macmillan.

Honigmann, John J. and Honigmann, Irma. 1965. *Eskimo Townsmen*, Ottawa: Canadian Research Centre for Anthropology, University of Ottawa.

Horton, Robin. 1967. "African Traditional Thought and Western Science" in *Africa*, Vol. 37.(1) January.

Hueglin, Thomas O. 2000. "Federalismo constitucional y federalismo por tratado en Canada" in Márquez Padilla, Consuelo and Castro Rea, Julián, *El nuevo federalismo en América del Norte*, Mexico City: CISAN-UNAM..

Hume, Stephen. 2000. "Songs of the Nass" in *Canadian Geography* 120 (1), pp. 58-68.

Hylland Eriksen, Thomas. 2004. "Place, Kinship and the case of Non-Ethnic Nations" in *Nations and Nationalism* 10 (1/2), pp.49-62.

Ismail, Qadri "Constituting Nation, Contesting Nationalism: The Southern Tamil (Woman) and Separatist Tamil nationalism in Sri Lanka" in Chattejee, Partha and Jeganathan, Pradeep (Eds.) *Community, Gender and Violence. Subaltem Studies XI*, New York: Columbia University Press.

Izquierdo, Martha. "Mujeres mixes levantan la voz para hacer valer sus derechos" CIMAC http://www.cimac.org.mx/noticias/01sep/01092904.html (accessed August 19, 2005).

Jamieson, Stuart and Gladstone, Percy. 1950. "Unionism in the Fishing Industry of British Columbia" in *Canadian Journal of Economics and Political Science* 11, pp.146-171.

Jan Mohamed, A.R. 1985. "The Economy of Manichean Allegory: the Function of Racial Difference in Colonialist Literature" in Gates, H.L. Jr (Ed.) *'Race', Writing and Difference*, Chicago: University of Chicago Press.

Jarvenpa, Robert and Brumbach, Hetty Jo. 2001. "The Gendered Nature of Living and Storage Space in the Canadian Subartic" in Arnold, B. and Wicker N. (Eds.) *From the Ground Up: Beyond Gender in Archaeology*, Oxford: International Series 812.

Jarvenpa, Robert and Brumbach, Hetty Jo. 2002. "Gender Dynamics in Native Northwestern North America: Perspectives and Prospects" in Frink, Lisa, et al (Eds.) *Many Faces of Gender. Roles and Relationships through Time in Indigenous Northern Communities*, Boulder: University Press of Colorado-University of Calgary Press.

Jayawardena, Kumari. 1989. "Feminism and Nationalism" in Yuval-Davis, Nira and Anthias, Floya (Eds.) *Woman-Nation-State*, London.

John Tomlinson. 1999. *Globalization and Culture*. Chicago: University of Chicago Press.

Jolles, Carol Zane. 1997. "Changing Roles of St. Lawrence Island Women: Clanswomen in the Public" in *Artic Anthropology* 34, 86-101.

Julian T. Inglis (Ed.). 1993. *Traditional Ecological Knowledge: Concepts and Cases*, Ottawa: International Program on Traditional Knowledge.

Jung, Courtney. 2003. "The Politics of Indigenous Identity: Neo-Liberalism, Cultural Rights and the Mexican Zapatists" in Social Research 7 (2), pp.433-462.

Juteau, Danielle. "The Production of the Quebecois Nation" in *Humboldt Journal of Social Relations*, Vo. 19.(2), p.79-109.

Kaldor, mary. 2004. "Nationalism and Globalization" in *Nations and Nationalism* 10 (1/2), pp. 161-177.

Kampwirth, Karen. 2000. "Also a Women's Rebellion: the Rise of the Zapatista Army of Chiapas" in Poggio, Sara, et al (Eds.) *Irrumpiendo en lo público, seis facetas de las mujeres en América Latina*, Latin American Studies Association-Universy of Costa Rica.

Kandiyoti, Deniz. 1989. "Women and the Turkish State: Political Actors or Symbolic Spawns" in Yuval-Davis, Nira and Anthias (Eds.) *Woman-Nation-State*, London: Macmillan.

Kandiyoti, Deniz. 1991. "Identity and its Discontent: Women and the Nation" in *Millennium: Journal of International Studies* 20 (3), pp.429-443.

Kandiyoti, Deniz. 1996. "Contemporary Feminist Scholarship and Middle East Studies" in Kandiyoti (Ed), *Gendering the Middle East*, London: I.B.Tauris Publishers.

Kasam, Karim-Aly. 2001. " North of 60': Homeland or Frontier?" in Taras, David and Rasporich, Beverly (Eds.) *A Passion for Identity. Canadian Studies for the 21st Century*, Scarborough: Nelson Thomson Learning.

Kearney, Michael. 1996. *Reconceptualizing the Peasantry: Anthropology in Global Perspective*, Boulder: Westview Press.

Kingsbury, Benedict. 1995 "'Indigenous Peoples' as an International Legal Concept" in R.H.Barnes et al (Eds), *Indigenous Peoples of Asia*, Ann Arbor: University of Michigan Assn. of Asian Studies.

Knight, Alan.1986. *The Mexican revolution, Vo. I: Porfirians, Liberals and Peasants*, Cambridge: Cambrigde University Press.

Knight, Rolf. 1978. *Indian at Work: an Informal History of Native Indian Labour in British Columbia, 1858-1930*, Vancouver: New Star Books.

Kobayashi, Audrey and Bakan, Abigail B. 2003. Case Study Two. *Nunavut: Lessons of an Equity Conversation for Anti-Racist Activist*, Canadian race relations Foundation.

Kovic, Christine. 2003. "Demanding Their Dignity as Daughters of God: Catholic Women and Human Rights" in Eber, Christine and Kovinc, Christine (Eds.), *Women of Chiapas. Making History in Times of Struggle and Hope*, London-New York: Routledge.

Kraemer Bayer, Gabriela. 2003. *Autonomía Indígena Región Mixe. Relaciones de Poder y cultura política*, Mexico City: Universidad Autónoma de Chapingo-CONACYT-Plaza y Valdéz Editores.

Krygier, M. 1986. "Law as Tradition" in *Law and Philosophy* 5.

Kusugak, Jose. 2000. "The Tide has Shifted: Nunavut Works for Us, and It Offers a Lesson to the Broader Global Community" in Dahl, Jens, et al (Eds.) *Inuit Regain Control of Their Lands and Lives*, Copenhagen: International Work Group for Indigenous Affairs.

L.C. Green and Dickason, Olive P. 1993. *Law of Nations and the New World*, Edmonton: University of Alberta Press.

La Violette, Forrest E. 1973. *The Struggle for Survival. Indian Cultures and the Protestant Ethic in British Columbia*, Toronto: University of Toronto Press.

Lawrence, Bonita and Anderson, Kim. 2005. "Introduction to 'Indigenous Women: the State of Our Nations'" in *Atlantis* 29 (2).

Laclau, Ernesto and Moffe, Chantal. 1993: "La imposibilidad de la sociedad" in *Nueva Reflexiones, Nueva Visión.*

Laghi, Brian. "Eastern Artic residents reject Gender-Equal Plan: Supporters Said it Would Reflect balance of work in Traditional Inuit Society" *The Globe and Mail*, 27 May 1997.

Laghi, Brian. "Nunavut Mulls Gender Equality: Legislature Plebiscite Unique in the World" in the *Globe and Mail*, May 19, 1997.

LaRocque, Emma. 1997. "Re-Examining Culturally Appropriate Models in Criminal Justice Applications" in Michael Ash (Ed.), *Aboriginal and Treaty Rights in Canada: Essays in Law, Equity, and Respect for Difference*, Vancouver: UBC Press.

Lawson, Stephanie. 2000. "The Tyranny of Tradition: Critical Reflections on Nationalist Narratives in the South Pacific" in Hutchinson, John and Smith, Anthony, *Nationalism. Critical Concepts in Political Science*, London: Routledge.

Lawson, Stephanie. 1996. *South Tradition versus Democracy in the Pacific*, Cambridge: Cambridge University Press.

Lenkersdorf, Carlos. 1996. *Los hombres verdaderos. Voces y testimonios tojolabales*, Mexico City: Siglo XXI.

León Portilla, Miguel. 2003. *Pueblos indígena de México. Autonomía y diferencia cultural*, Vol.1, Mexico City: UNAM-El Colegio Nacional.

Lira. Andrés. 1986. Los indígenas y el nacionalismo mexicano" in *IX Coloquio de Historia del Arte. Nacionalismo y Arte Mexicano*, Mexico: UNAM.

Littlefield, Lorraine. 1987. "Women Traders in the Maritime Fur Trade" in Cox, Bruce Alden, *Native People, Native Lands. Canadian Indians, Inuit and Metis*, Ottawa: Carleton University Press.

Llyod, Jane-Dale and Pérez Rosales, Laura (Eds.) 1995. *Paisaje rebeldes: una larga noche de rebelión indígena*, Mexico City: Universidad Iberoamericana.

"Lock, Stock and Barrel/ Exchange Between James Gosnell (Nisga'a) and Prime Minister Pierre Trudeau at the First Ministers Conference, 1983" in Walkem, Ardith and Bruce, Halie *Box of Treasure or Empty Box. Twenty Years of Section 35*, Vancouver: Theytus Books Ltd.

López Monjardín, Adriana. 1983. "Juchitán, las historias de la discordia" in *Cuadernos Políticos* 33, October-December.

Lowenthal, David. 1985. *The Past is a Foreign Country*, Cambridge: Cambridge University Press.

M. Annette Jaimes and Theresa Halsey. 1992. "American Indian Women: At the Center of Indigenous Resistance in North America," in Jaimes M. Annette (Ed.), *State of Native America,* Boston: South End Press, 1992).

Machuca, Jesus Antonio. 1998. "La democracia radical: originalidad y actualidad politica del Zapatismo de fin de siglo XX" in Kanoussi, Dora (Comp.), *El Zapatismo y la politica*, Mexico City: Plaza y Valdez.

Macklem, Patrick. 2001. *Indigenous Difference and the Constitution of Canada*, University of Toronto Press, Toronto, 2001.

Majstorovic, Steven. 1997. "Ancient Hatreds or Elite Manipulation? Memory and Politics in the Former Yugoslavia" in *World Affairs* 159 (4), Spring.

Manuel, Arthur. 2003. "Aboriginal rights on the Ground: Making Section 35 Meaningful" in Walkem, Ardith and Bruce, Halie *Box of Treasure or Empty Box. Twenty Years of Section 35*, Vancouver: Theytus Books Ltd.

Martínez, Víctor Raúl. 1993."El régimen de García Vigil" in *La Revolución en Oaxaca* (1900-1930), Mexico City: CONACULTA.

Mattiace, Shannan. 1997. Indian Autonomy in Mexico: Separate Nations or Renegotiated Nationalism. Paper presented at the Latin American Studies Association, Guadalajara, Mexico, April 17-19.

May, Edwin. 1979. *The Nisga'a Land Claim*, 1873-1973. M.A. Thesis, Simon Fraser University.

Mayall, James. 1990. *Nationalism and International Society*, Cambridge: Cambridge University Press.

Mc Neil, Kent. 1999. "New Directions in Aboriginal Rights: Reassessing Aboriginal Title and Governance" paper presented at the XV Biannual Congress of the Canadian Association for Canadian Studies in the United States, Pittsburgh, November 1999.

McDonald, James Andrew.1988. "The Marginalization of the Tsimshian Cultural Ecology: the Seasonal Cycle, in Cox, Bruce Alden, *Native People Native Land. Canadian Indian, Inuit and Metis*, Ottawa: Carleton University Press.

McIvor, Sharon Donna. 1999. "Aboriginal Women's Legal Strategies" in Jhappan, Radha (Ed.), *Women's Legal Strategies in Canada: a Friendly Assessment*, Toronto: University of Toronto Press.

McIvor, Sharon Donna. 1996. "Self-Government and Aboriginal Women" in Jackson, Margaret A. and Sam Banks Kathleen N. (Eds.), *Ten years Later: the Charter and Equality for Women*, Vancouver: Simon Fraser University.

McRoberts, Kenneth. 1997. *Misconceiving Canada. The Struggle for National Unity*, Toronto: Oxford University Press.

Meneses, Juan Anzaldo. 1996. Diálogo de Sacam Ch'en. Derechos y cultura indígena, in journal *Ce-Acatl* 73.

Mercer, Kobena. 1990 "Welcome to the Jungle" in Rutherford, J. (Ed), *Identity*, London: Lawrence and Wishart.

Merino, Mauricio. 2004. Los gobiernos municipales de México, CIDE http://www.premiomunicipal.org.mx/premio2004/docs/DT-145.pdf

Miano Borruso, Marinella. 2002. *Hombre, mujer y muxe en el Istmo de Tehuantepec*, Mexico City: CONACULTA-INAH-Plaza y Valdez Editores.

Miller, J.R. 1990. *Skycrapers Hide the Heaven*, Toronto: University of Toronto Press.

Mitchell, Marybelle. 1997. *From Talking Chiefs to a Native Corporate Elite: the Birth of Class and Nationalism among Canadian Inuit*, Quebec: MacGill-Queen's University Press.

Mohanty, Chandra. 1988. "Under Western Eyes: Feminist Scholarship and Colonial Discourses" *Feminist Review* 30, pp. 61-88

Monjardin, Adriana and Rebolledo, Dulce Maria. 1999. "La resistencia como espacio de construcción del mundo nuevo" in *Chiapas* 7.

Monture-Angus, Patricia. 1995. *Thunder in my Soul: a Mohawk Woman Speaks,* Halifax: Fernwood.

Morquecho, Gaspar. 1994. "Sin paz ni democracia" in Soriano Hernéndez Silvia (Ed.) *A propósito de la insurgencia en Chiapas*, Chiapas: Associación para el Desarrollo de la Investigación Científica y Humanística de Chiapas.

Municipio Autonomo de San Andres Samkamch'em de los Pobres, Comunique, April 13, 1998.

Murray, Angus. 1992. "Comprehensive Claims: One Step Forward, Two Steps back" in Engelstad, Diane and Bird, John (Eds.), *Nation to Nation*, Vancouver: House of Anansi Press.

Murray, Peter. 1985. *The Devil and Mr. Duncan*, Victoria: Sononis Press.

Nader, Laura. 1998. *Ideología armónica. Justicia y control en un pueblo de la montaña zapoteca*, Oaxaca: Instituto Oaxaqueño de las Culturas-Fondo Estatal para la Cultura y las Artes-CIESAS.

Nagel, Joane and Mathew Snipp. 1993. "Ethnic reorganization: American Indian Social, Economic, Political and Cultural Strategies for Survival" in *Ethnic and Racial Studies* 16 (2).

Nahanee, Anne Teressa. 1997. "Indian Women, sex Equality, and the Charter, in Andrew, Caroline, (Ed) *Women and the Canadian State*, Montreal: McGill University Press.

Nahmad Sittón, Salomón. 2003. *Fronteras étnicas. Análisis y diagnóstico de dos sistemas de desarrollo: proyecto nacional versus proyecto étnico. El caso de los Ayuuk (mixes) de Oaxaca*, Mexico City: CIESAS.

Nairn, Tom. 1997. *Faces of Nationalism*: Janus Revisited, London: Verso.

Nash, June. 1993. "Maya Household Production in the World Market: the Potters of Amatenango del Valle, Chiapas, Mexico" in Nash, June (Ed.) *Crafts in the World Market: the Impact of Global Exchange on Middle-American Artisans*, Albany: State University of New York Press.

National Indigenous Congress (CNI), Declaración de Nurío, Nurío, Michoacán, Abril, 2001.

National Plural Indigenous Assembly for Autonomy (ANIPA), Final Declaration of the First National Women Encounter, San Cristóbal de las Casas, Chiapas, December, 1995.

Native Brotherhood of British Columbia, *The Native Voice*, Vancouver, December 1946.

Native Voice, February 1968, Vancouver: Native Homemakers' Association.

Newell, Dianne. 1993. *Tangled Webs of History: Indians and the Law in Canada's Pacific Coast Fishery*, Toronto: Toronto University Press.

Nisga'a Lisims Government. 2000. *Constitution of the Nisga'a Nation*, Registry of Nisga'a Laws:Lisims Government.

Nisga'a Nation, Province of British Columbia and the Government of Canada. 2004. *Laxmihl. Nisga'a Final Agreement 2002/2003 Report*, Victoria: DIAND.

Nisga'a Tirbal Council. 1977. *Citizen Plus*, New Aiyansh: Karmel McCullum.

Nisga'a Tribal Council. 1993. Nisga'a, People of the Nass River, Vancouver: Douglas and McIntyre.

Nunavut Implemantation Commission. 1994. "Two-Member Constituencies and Gender Equality: a Made in Nunavut Solution for an effective and Representative Legislature" in *Footprints in New Snow*, Iqaluit, Nunavut.

Nutall, Mark. 1992. *Artic Homeland: Kinship, Community and Development in Northwest Greenland*, Toronto: University of Toronto Press.

Owolabi, Kunle.2003. *Citizenship, Indigenous Autonomy and Democratization in Southern Mexico: the Impact of the Legalization of Usos y Costumbres on the Political System of Oaxaca*, MA Thesis, Latin American Studies, University of Oxford.

Paasi, Anssi. 1995. "Constructing Territories, Boundaries and Regional Identities" in Forsberg, Thomas (Ed.) *Contested Territory. Border Disputes at the Edge of the Former Soviet Empire*, Aldershot: Edward Elgar, pp. 42-61.

Paper presented at the 2000 meeting of the Latin American Studies association, Miami, March 16-18, 2000.

Parry, C. (Ed) *The Consolidated Treaty Series*, Vol.49, New York: Oceana Publications.

Patterson II, E. Palmer. 1983. "A Decade of Change: Origins of the Nishga and Tsimshiam land Protest in the 1880s" in *Journal of Canadian Studies*, 18 (3) Fall, pp. 40-54.

Patterson, E. Palmer. n/d. "Kinkolith's First Decade: a Nisga'a Village (1867-1878), http://www.brandonu.ca/native/cjns/12.2/Patterson.pdf (accessed November 20, 2004).

Peers, Laura. 1996. "Subsistence, Secondary Literature and Gender Bias: the Saulteaux" in Miller, Christine and Chuchryk, Patricia (Eds.), *Women of the First Nations*, Winnipeg: the University of Manitoba Press.

Penrose, Jan. 2002. "Nations, States and Homelands: Territory and Territoriality in Nationalist Thought" in *Nations and Nationalism* 8 (3), pp.277-297.

Peterson Royce, Anya. 1975. *Prestigio y afiliación en una comunidad urbana, Mexico* City: SEP-INI.

Phillips, Todd. "Simon backs Plan" in *Nunatsiaq News*, March 7, 1997, nunatsiaq.com/index.html (accessed September 01, 2004).

Pointing, J. Rick. 1988. *Arduous Journey*, Toronto: the Canadian Publisher.

Popper, Karl. 1972. *Conjectures and Refutations, the Growth of Scientific Knowledge*, 4th ed. London: Routledge and Kegan Paul.

Radcliffe, Sarah and Laurie. 2001. "The Trasnationalization of Gender and the Re-imagining Andean Indigenous Development" paper presented at Latin American Studies Association Congress 2001, in panel "Re-imagining Gender and development in the Americas", Washington DC, September.

Radcliffe, Sarah. 1993. *"Viva": Women and Popular Protest in Latin America*, London: Routledge.

Rajchenber, Enrique and Héau-Lambert, Catherine. 2002. "En la antesala del Plan Puebla-Panamá: Tehuantepec en el siglo XIX" in *Chiapas* 14.

Ratner, R.S., et al. 2003. "Wealth of Nations: Aboriginal Treaty making in the Era of Globalization" inTorpey, John, *Politics and the Past. On Reparing Historical Injustices*, Lanham: Rowan and Littlefield Publishers.

Raunet, Daniel. 1984. *Without Surrender Without Consent. A History of the Nishga Land Claims*, Vancouver: Douglas and McIntyre.

Recondo, David. 2001. "Usos y costumbres, procesos electorales y autonomía indígena en Oaxaca" in De León Pasquel, Lourdes (Ed.) *Costumbres, leyes y movimiento indio en Oaxaca y Chiapas*, Mexico City: CIESAS-Miguel Angel Porrúa.

Reimer, Gwen D. 1996. "Female Consciousness: an Interpretation of Interviews with Inuit Women" in *Études/Inuit/Studies* 20 (2), pp.77-100.

Reina Aoyama, Leticia. 1997. "Las zapotecas del Istmo de Tehuantepec en la reelaboración de la identidad étnica en el siglos XIX". Paper presented at the XX Internacional Congress of the Latin America Studies Association, Guadalajara, April 17-19.

Reina, Leticia. 1988. "De las reformas borbónicas a las leyes de reforma" in Reina, Leticia, *Historia de la cuestión agraria mexicana*: Estado de Oaxaca, Vol. I: Prehispánico-1924, Mexico City: Juan Pablos Editor.

Riendeau, Roger. 2000. *A Brief History of Canada*, Fitzhenry and Whiteside Limited.

Robins, Kevin. 1991. "Tradition and Translation: National Culture in its Global Context" in Corner, J. and Harvey, D. (Eds), Enterprise and Heritage: Crosscurrents of National Culture, London: Routledge.

Robinson, Rod. 2002. "Nisga'a Patience: Negotiating Our Way Into Canada" in Bird, John, et al (Eds.), *Nation to Nation. Aboriginal Sovereignty and the Future of Canada*, Irwing Publishing: Toronto.

Rocher, Francois, et al. 2001. "Recognition Claims, Partisan Politics and Institutional Constrains: Belgium, Spain and Canada in a Comparative

Perspective" in Tully, James and Gagnon, Alain-G, *Multinational Democracies*, Cambridge: Cambridge University Press.

Rofel, Lisa. 1999. *Other Modernities: Gendered Yearnings in China after Socialism, Berkeley:*Berkeley University Press.

Rojas, Rosa (Ed), Chiapas ¿y las mujeres qué?*, Vol. I, Mexico: Ediciones la Correa feminista.*

Romero Frizzi, María de los Angeles. 1988. "Época Colonial (1519-1785)" in Reina, Leticia (Ed.) *Historia de la cuestión agraria mexicana: Estado de Oaxaca*, Vol I: Prehispánico-1924, Mexico City: Juan Pablos Editor.

Romero Frizzi, María de los Angeles. 1996. *El sol y la cruz. Los pueblos de indios del México colonial.* Colección Historia de los Pueblos Indígenas de México, Mexico City: CIESAS-INI.

Rose, Alex. 2000. *Spirit Dance at Meziadin. Chief Joseph Gosnell and the Nisga'a*

Ross, John. 1995. *Rebellion from the Roots: Indian Uprising in Chiapas*, Monroe: Common Courage Press.

Royal Commission on Aboriginal People, Vol.2, Minister of Supply and Services, 1996.

Rubin, Jeffrey. 1997. *Decentring the Regime: Ethnicity, Radicalism and Democracy in Juchitán*, Mexico, Durham: Duke University Press.

Ruiz Cervantes, Francisco José. 1990. "El movimiento de la soberanía en Oaxaca (1915-1920)" in Víctor Raúl Martínez Vázquez (Ed.) *La revolución en Oaxaca*, Oaxaca: Instituto de Administración Pública de Oaxaca.

Ruiz, Margarito and Burguete, Araceli. 1996. "Hacia la autonomía de los pueblos indios", Mexico City: Grupo Parlamentario del Partido de la Revolución Democrática, LVI Legislatura de la Cámara de Diputados.

Rus, Jan. 1983. "Whose Cast War? Indians, Ladinos and the "Cast War" of 1869" in Murdo J. Macleod and Wasserstrom, Robert (Eds.) *Spaniards and Indians in Southern Mesoamerica: Essays on the History of Ethnic Relations*, Lincoln: University of Nebraska Press.

Rynard, Paul. 2001. "Ally or Colonizer?: the Federal State, the Cree Nation and the James Bay Agreement" in *Journal of Canadian Studies*, 36 (2), Summer.

Sacks, Karen. 1979. *Sisters and Wives: the Past and Future of Sexual Inequality*, Westport: Greenwood.

Sacks, R. 1986. *Human Territoriality: Its Theory and History*, Cambridge: Cambridge University Press.

Said, Edward. 1978. Orientalism, New york: Pantheon Books.

Saladin d' Anglure, Berbard and Morin, Françoise. 1992. "The Inuit People, Between Particularism and Internationalism: an Overview of their Rights and Powers in 1992" in *Inuit Studies*, Vol.16 (1-2), pp.13-19.

Saladin d'Anglure, B. 1994. "From Foetus to Shaman: The Construction of an Inuit Third Sex" in Mills, A. and Slobodin, R. (Eds.) *Amerindian Rebirth: Reincarnation Belief among North American Indians and Inuit,* Toronto:University of Toronto, pp. 82-106.

Salber Phillips, Mark. 2004. "Introduction: What is Tradition when it is not Invented?" in Salber Phillips, Mark and Schochet, Gordon (Eds.), *Question of Tradition*, Toronto: University of Toronto Press.

Samuelson, Leslie. 1993. *Aboriginal Policing Issues: a Comparison of Canada and Australia*, Ottawa, Solicitor General, 1993.

Sanchez, Consuelo. 1999. *Los Pueblos indígenas: del indigenismo a la autonomía*, Mexico: Siglo XXI.

Sanders, D.1980. "Background Information on the World Council of Indigenous Peoples" Fourth World Documentation Project http://www.cwis.org/fwdp/WCIPINFO.TXT (accessed January, 31, 2005).

Sarmiento, Sergio. 1991. "Movimiento indio y modernization" in *Cuadernos Agrarios* 2, 90-113.

Saunders, Barbara. 1997. "From a Colonized Consciousness to Autonomous Identity: Sifting Relations between Kwakwaka'wakw and Canadian Nations" in *Dialectical Anthropology* 22, pp. 137-158.

Saywell, John. 1994. *Canada. Pathways to the Present*, Toronto: Stoddart.

Schochet, Gordon. 2004. "Tradition as Politics and the Politics of Tradition" in Salber Phillips, Mark and Schochet, Gordon (Eds.), *Question of Tradition*, Toronto: University of Toronto Press.

Schulte-Tenckhoff, Isabelle, "Reassessing the Paradigm of Domestication: the Problematic of Indigenous Treaties" in *Review of Constitutional Studies*, Vol.4 (2), pp.239-289.

Schulte-Tenckhoff, Isabelle. 1997. *La Question des peuples autochones*, Brussels: Bruylant.

Schüssler Fiorenza, Elizabeth. "Femninist Studies in Religion and the *Logy

Schüssler Fiorenza, Elizabeth. "Femninist Studies in Religion and the *Logy

Searles, Edmund. 1998. "*From Town to Outpost Camp: Symbolism and Social Action in the Eastern Canadian Artic*" PhD Dissertation, University of Washington.

Searles, Edmund. 2001. "Fashioning Selves and Tradition: Case Study on Personhood and Experience in Nunavut" in *The American Review of Canadian Studies*, Spring-Summer, pp.121-136.

SER. 1996. La autonomía una forma concreta del derecho a la libre determinación y sus alcances. Document presented to the Indigenous National Forum, San Cristóbal de las Casas, Chiapas, January, 1996.

Shapiro, M. 1999. "Triumphalist Geographies" in Featherstone, M. and Lash, S. (Eds.) *Spaces of Culture: City, Nation, World*, London and Thousand Oaks: Sage.

Sheppard, Robert and Valpy, Michael. "A Nation in the Making: Part 1: Accord and Face of the Shame" in T*he Globe and Mail*, October 13, 1982.

Shils, Edward. 1975. *Center and Periphery: Essays in Macrosociology*, Chicago: University of Chicago Press.

Shils, Edward. 1981. *Tradition*, London: Faber and Faber.

Sierra, María Teresa. 1997. "Esencialismo y autonomía: paradojas de las reivindicaciones indígenas" in *Alteridades* 7, (14).

Sierra, María Teresa. 1993. "Usos y desusos del derecho consuetudinario indígena" in *Nueva Antropología*, num. 44, 1993.

Sierra, María Teresa. 2004. "Derecho indígena y mujeres: viejas costumbres, nuevos derechos" in Pérez-Gil Romano, Sara Elena and Ravelo Blancas, Patricia (Eds.) *Voces disidentes. Debates contemporáneos en los estudios de género en México*, Mexico City: Cámara de Diputados-CIESAS-Miguel Angel Porrúa.

Sierra, María Teresa. 2004b. "Introduction. Hacia una interpretación comprensiva de la relación entre justicia, derecho y género" in Sierra, María Teresa (Ed.), *Haciendo justicia. Interlegalidad, derecho y género en regiones indígenas*, Mexico City: Cámara de Diputados-CIESAS-Miguel Angel Porrúa.

Smith, Andrea. 2005. "Native American Feminism, Sovereignty and Social Change" in *Feminist Studies* 31 (1), Spring, pp. 116-132.

Smith, Linda Tuhiwai. 1999. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books.

Smith, Anthony D. "Nations and History" in Guibernau, Montserrat and Hutchinson, John. 2001. *Understanding Nationalism*, Cambridge: Polity Press.

Smith, Anthony D. 1991. *La identidad national*, Madrid: Trama Editorial.

Smith, Anthony. 1999. "Ethnic Election and National Destiny: some Religious Origins of Nationalist Ideas" in *Nations and Nationalism* 5 (3), pp. 331-355.

Smith, Anthony. 1999. *Myths and Memories of the Nation*, Oxford: Oxford University Press.

Sonnleitner, Willibald. 2001. *Los indigenas y la democratizacion electoral. Una decada de cambio politico entre los tzotziles y tzeltales de los Altos de chiapas (1988-2000)*, Mexico City: COLMEX-IFE.

Soriano Hernández,Silvia. 1994. "Del Ejército de la Virgen al Ejército Zapatista" in Soriano Hernéndez, Silvia (Ed.) *A propósito de la insurgencia en Chiapas*,

Chiapas: Associación para el Desarrollo de la Investigación Científica y Humanística de Chiapas.

Speed, Shannon. 2001 *Global Dicosurses on the Local Terrain: Grounding Human Rights in Chiapas*, Mexico, PhD Thesis, Department of Anthropology, University of California.

Spivak, Gayatari Chakravorty. 1990. *The Post-Colonial Critic. Interview, Strategies, Dialogues.* New York.

Stasiulis, Daiva K. 1999. "Relational Positionalities of Nationalisms, Racisms and Feminisms" in Caren Kaplan, et al (Eds), *Between Woman and Nation*, Duke: Duke University Press.

Status of Women Council of the Northwest Territories. 997. "NWT Status of Women Council Supports Gender Parity", Press Release, Yellowknife, NT.

Stavenhagen, Rodolfo. 1992. "Challenging the Nation State in Latin America" in *Journal of International Affairs* 34 (2), Winter.

Stavenhagen, Rodolfo. 2001. "Indigenous movement and Politics in Mexico and Latin America" in Cook and Lindau, 2000.

Stephen, Lynn. "Redefined Nationalism in Building a Movement for Indigenous Autonomy in Mexico: Oaxaca and Chiapas". Paper presented in the Annual Meeting of the American Anthropological Association, San Francisco, November 20-24, 1996.

Stephen, Lynn. 1996."Reconfiguring Ethnicity, Identity and Citizenship, in the Wake of the Zapatista Rebellion in Chiapas" paper presented in the Annual Meeting of the American Anthropological Association, November 20-24, San Francisco.

Stephen, Lynn. 2002. *¡Zapata Lives! Histories and Cultural Politics in Southern Mexico*, Berkeley and Los Angeles: University of California Press.

Sterritt, Neil J., et al. 1998. *Tribal Boundaries in the Nass Watershed*, Vancouver: UBC Press.

Sterritt, Neil. 1998-99. "The Nisga'a Treaty: Competing Claims Ignored!" in *BC Studies* 120, Winter, pp.73-98.

Subcomandante Marcos "El primer alzamiento, en marzo de 1993" in *La Jornada* January 26, 1994.

Tanner, Adrian. 1986. "The New Hunting Territory Debate: an Introduction to some Unresolved Issues" in *Anthropologica* 28 (1-2), pp. 19-36.

Taylor, Charles, "Alternative Futures: Legitimacy, Identity and Alienation in Late Twentieth Century Canada" in Cairns, Alan and Williams, Cynthia, *Constitutionalism, Citizenship and Society in Canada:* Toronto: University of Toronto Press.

Taylor, Charles. 2000. Modernity and Difference, in Paul Gilroy, Lawrence Grossberg and Angela McRobbie *Without Guarantees* (Eds.*) In Honour of Stuart Hall,* London: Verso.

Taylor, William. 1972. *Landlord and Peasant in Colonial Oaxaca*, Stanford: Stanford University Press.

Taylor, William. 1979. *Drinking, Homicide , and Rebellion in Colonial Mexican Villages*, Stanford: Stanford University Press.

Tenant, Paul. 1990. *Aboriginal Peoples and Politics. The Indian Land Question in British Columbia, 1849-1989*, Vancouver: University of British Columbia Press.

Teressa Nahanee. 1993. "Dancing with a Gorilla: Aboriginal Women, Justice and the Charter," in *Aboriginal Peoples and the Justice System: Report of the National Round Table on Aboriginal Justice Issues*, Royal Commission on Aboriginal Peoples, Ottawa: Minister of Supply and Services.

Todorov, Tzevetan. 1999. *The American Conquest. The Question of the Other*, Oklahoma: University of Oklahoma Press.

Tomlinson, John. 1999 *Globalization and Culture,* Chicago: University of Chicago Press.

Trask, Haunani-Kay. 1996. "Feminism and Indigenous Hawaiian Nationalism" in Signs: a Journal of Women in Culture and Society 21 (4), pp. 906-916.

Treaty, Madeira Park: Harbour Publishing.

Trejo, Guillermo. 2004. "The Political Foundations of Indigenous Mobilization and Ethnoterritorial Conflict (1975-2000)" in Amoretti, Ugo and Bermeo, Nancy (Eds.), *Federalism and Territorial Cleavages*, Baltimore: The Johns Hopkins University Press.

Trevor-Ropers, Hugh. 2000. "The Invention of Tradition: The Highland Tradition of Scotland" in Hobsbawn and Ranger (Eds.), *The Invention of Tradition*, Cambridge: Cambridge University Press.

Tsing, Anna. 1993. *The Realm of the Diamond Queen*, Princeton: Princeton University Press.

Tuan, Yi-Fu. 1975. *Space and Place: the Perspective of Experience*, Minneapolis: University of Minnesota Press.

Turner, Dale. 2000. "Liberalism's Last Stand: Aboriginal Sovereignty and Minority Rights" in Cook and Lindau, 2000.

Turner, Víctor. 1992. *The Anthropology of Performance*, New York: Paj Publications.

Turpel, Mary Ellen. 1993. "The Charlottetown Accord and Aboriginal Peoples' Struggle for Fundamental Political Change" in Mc Roberts, Kennet and Monahan, Patrick (Eds.), *The Charlottetown Accord, the Referendum and the Future of Canada*, Toronto: University of Toronto Press.

Turton, David (Ed.). 1997. "Introduction", in *War and Ethnicity: Global Connections and Local Violence,* Rochester: University of Rochester Press,

Tutino, John. 1980. "La rebelión indígena en Tehuantepec" en *Cuadernos Políticos* 24, April-June.

Tutino, John. 1990. *De la insurreción a la revolución en México*, Mexico city: Ediciones Era.

Tutino, John. 1993. "Ethnic Resistance: Juchitán in Mexican History" in Campbell, Howard, et al *Zapotec Struggles: Histories, Politics and Representations from Juchitán, Oaxaca*, Washington D.C.: Smithsonian Institution Press.

Tutino, John. 2000. "Comunidad, independencia y nación: las participaciones populares en las historias de México, Guatemala y Perú" in Reina, Leticia (Ed.), *Los retos de la etnicidad en los estados-nación del siglo XXI*, Mexico City: CIESAS-INI-Miguel Porrúa.

Udel, Lisa J. 2001. "Revision and Resistance" in *Frontier: a Journal of Women Studies,* Vol.22 (2).

Usher, Jean. 1974. *William Duncan of Metlakatla: a Victorian Missionary in British Columbia*, Ottawa: Native Museums of Canada.

Van Cott, Donna Lee, 2000. *The Friendly Liquidation of the Past: the Politics of Diversity in Latin America* (Pittsburgh, University of Pittsburgh Press).

Van Cott, Donna Lee. "Constitutional Reform and Ethnic Rights in latin America" in *Parliamentary Affairs: a Journal of Comparative Government*, Forthcoming.

Van Woudenberg, Gerdine. 2004. "Placing Gender in the Mediation of Aboriginal Resource Claims and Conflicts" in *Reserches Amérindiennes au Quebec* Vol. XXXIV (3).

Velázquez Cepeda, María Cristina. 1998. *El Nombramiento: Antropología jurídica de los usos y costumbres para la renovación de los ayuntamientos de Oaxaca*, Oaxaca City: Instituto Federal Electoral de Oaxaca.

Velázquez, María Cristina. 2000. *El nombramiento. La elección por usos y costumbres en Oaxaca*, Oaxaca: Instituto Estatal Electoral de Oaxaca.

Vergara Camus, Leandro Alexis. 2001. "Entre la crisis y la pared: zapatismo y renovacion de la izquierda latinoamericana" in *Trayectorias*, 3 (4-5), pp. 164-184.

Viqueira, Juan Pablo. 1995. "La comunidad india en México en los estudios antropológicos e históricos" in Anuario 1994, Centro de Estudios Superiores de México y Centro América, Universidad de Ciencias y Artes del Estado de Chiapas.

Viqueira, Juan Pedro and Sonnleitner, Willibald (Coord.), *Democracia en tierras indigenas*, Mexico City: CIESAS-COLMEX-IFE.

Voyageur, Cora. 2000. "Contemporary Indian Women" in Dickason, Olive and Long, David, *Visions of the Heart: Canadian Aboriginal Issues*, 2nd ed. Toronto: Harcourt.

Walby, Sylvia. 2000. "Gender, Nations and States in the Global Era" en *Nations and Nationalisms* 6 (4), p. 528-29.

Wallace. A.F.C. 1956. "Revitalization Movements" in American *Anthropologist* 58 (2), pp. 264-81.

Walsh, Mary Williams. "Tuning in the Global Village Frontier: Canada's Inuit Broadcasters Channel their Energy into Promoting and Protecting their Own Culture and Identity" *Los Angeles Times*, October 20, 1992.

Ward Gailey, Christine. 1987. *Kinship to Kinship: Gender Hierarchy and State Formation in the Tongan Island*, Austin: University of Texas Press.

Wenzel, George. 1991. *Animal Rights. Human Rights: Ecology, Economy, and Ideology in the Canadian Artic*, Toronto: University of Toronto Press.

Westmacott, Martin. 1998. "The Charlottetown Accord: a Retrospective Review" in Westmacott, Martin and Mellon, Hugh (Eds.) Challenges to Canadian Federalism, Scarborough: Prentice Hall.

White, Geoffrey M. I*dentity through History: Living Stories in a Solomon Island Society,* Cambridge: Cambridge University Press.

Whitetaker, Reg. 1977. "Images of the State in Canada" in Panitch, Leo *the Canadian State: Political Economy and Political Power*, Toronto: University of Toronto Press.

Wilford, Rick, "Women, Ethnicity and Nationalism: Surveying the Ground" in Wilford, Rick and Miller, Robert L. (Ed) *Women, Ethnicity and Nationalism*, New York: MPG Books Ltd.

Wilford, Rick. 1998. "Women, Ethnicity and Nationalism: Surveying the Ground" in Wilford, Rick and Miller, Robert L. (Ed) *Women, Ethnicity and Nationalism*, New York: MPG Books Ltd.

Williamson, Robert G. 1996. "In the Search for "a People": the Inuit, their habitat, and Economic Politics" in Clark, Donald and Williamson, Robert G. *Self-Determination. International Perspectives*, London: Macmillan Press LTD.

Wilmer, F. 1993. *The Indigenous Voice in World Politics*, Newbury Park: Sage.

Wilson, Elana T. 2002. *Gender, Political Power and Nationalism in the Circumpolar North: A case of Study of Nunavut Canada*, Master Thesis, Scott Polar Research Institute, Department of Geography, University of Cambridge.

Wilson, Fiona and Frederiksen, Bodil Folke. 1999. "Studies in Ethnicity, Gender and the Subversion of Nationalism" in Wilson and Frederiksen (Eds.), *Ethnicity, Gender and the Subversion of Nationalism*, London: Frank Cass-EADI.

Wilson, H.T. 1984.*Tradition and Innovation: the Idea of Civilization as Culture and its Significance*, London: Routledge and Kegan Paul.

Wimmer, Andreas. 2002. *Nationalist Exclusion and Ethnic Conflict. Shadows of Modernity*, Cambridge: Cambridge University Press.

Woodrow, Borah. 1985. *El Juzgado general de Indias en_la Nueva España*, Mexico City: Fondo de Cultura Económica.

Younblood Henderson, James (Sakej). 2001. "Sui Generis and Treaty Citizenship" in *Citizenship Studies*, Vol. 6 (4), pp.415-435.

Younger-Lewis, Greg. 2004."Curley to Campaign on Ranking's Revival. Veteran Politician Returns after 10-year Absence" in Nunatsiaq News, January 16, nunatsiaq.com/index.html (accessed September 13, 2004).

Yuval-Davis, Nira, "Gender and Nation" in Wilford and Miller, 1998.

Yuval-Davis, Nira, "Nationalism, Feminism and Gender Relations" in Guibernau and Hutchinson, 2001.

Yuval-Davis, Nira. 1998. "Gender and Nation" in Wilford and Miller (Ed.) *Women, Ethnicity and Nationalism*, New York: MPG Books Ltd.

Yuval-Davis, Nira. 2001. "Nationalism, Feminism and Gender Relations" in Guibernau, Montserrat and Hutchinson, John, *Understanding Nationalism*, Cambridge: Polity Press.

Zapatista Army of National Liberation, Messaje given by the *Comandanta Esther* at San Lázaro, Legislative Palace Mexico, City, March 28, 2001.

Zghal, Alexander. 1974 "The Reactivation of tradition in a Post-Traditional Society" in Eisenstad, N.S. *Post-Traditional Soceities*, New york: Norton.

Appendix A Interview Methods

The interviews for this project involved 80 persons, 20 interviews for each one of the four cases. These interviews were conducted in: various communities of the Chiapas Highlands in January-February 2003; Iqaluit and Rankin Inlet, Nunavut in July-August 2003; Matías Romero, Juchitán and the Mixe region in the state of Oaxaca in December 2003 and January 2004; and New Aiyansh, Kinkolit in the Nass Valley and Terrace, B.C. in July-August 2004.

These interviews were conducted in the following formats.

- 52 individual semi-structured in-depth interviews (between 11 and 13 in each case study) with Indigenous women involved with: women's organization and textile cooperatives such as the Nunavut Status of Women, *Kinal Antzetik, Jolom Maya Ik, Las Abejas, Unión de Comunidades de Indígenas de la Zona Northe del Istmo, Coalición Obrero Campesino Estudiantil del Istmo, Servicios al Pueblo Mixe, Mujeres Olvidadas del Rincón;* communitarian projects; school boards; and also territorial and municipal officials. Half of these interviews occurred in the women's workplace and half in the women's dwelling.
- 24 individual unstructured in-depth interviews (6 in each case) with male Aboriginal organization leaders, community authorities and treaty negotiators. Most of these interviews were conducted in the workplace.
- 4 life stories to female leaders who have been involved with Indigenous women organizations for a long time or who are recognized matriarchs in their communities. All these interviews occurred in the women's house.

I made use of additional information contained in interviews conducted previously in February and March 2000 as part of my MA thesis. I also used the information I wrote in my fieldwork journal recording informal conversations with Indigenous handcrafters, workers and women who were introduced by the interviewees. I wrote this journal by topics.

In most cases I recorded the interviews, except in one case where the interviewee explicitly asked me not to do so. In this situation, I took extensive notes. The interviews were conducted mainly in Spanish and English although few of the interviews were in *Inuktitut, Tzotzil* and *Tzeltal*. Whenever this happened, translators assisted me to conduct the interviews.

Throughout this work, I quote people in their own words and, when translating into English, attempt to maintain the literal meaning of the words. To improve clarity and readability I edited the quotes by removing sounds and repetitious patterned phrases such as "like", "uh", "you know".

I obtained written informed consent from some of the interviewees and verbal consent from others. I agreed to protect the identity of the interviewees. Therefore, with few exceptions I only refer to the interviewees as 'female leader', 'authority representative' and so on. In few cases, I disclosed the identity of the interviewees with their permission and only in those cases, in which they are well known to the general public and often quoted in newspapers.

Although most of the interviewees were of Indigenous background, they had diverse socio-demographic characteristics, as follows:

- 27 out of the 56 Indigenous women were under 40 years old, 10 were 45 to 50, 15 were under 30, 4 were over 50 and 2 were 65.
- 30 had less than junior high school, 12 had completed college degrees, 9 had high school and 5 had university degrees.
- 3 were non-Indigenous but married to Indigenous persons and had lived within Indigenous communities for at least 18 years.
- 15 out of the 24 male interviewees were 50 to 60 years old, 5 were 40 to 45, 3 over 30 and 1 was under 30.
- 11 out the 24 males had less than junior high school, 8 had university degrees, and 5 had high school.

The interviewer and interviewees

In qualitative studies, the characteristics of the interviewer can affect people's willingness to respond openly. My identity undeniably influenced how interviewees related to me, facilitating certain interactions but at times having the opposite effect. I found that being a Mexican Indigenous woman in Chiapas was initially an issue. The political situation of Chiapas made building trust a slow paced process. For some Indigenous women, I was far too different to be recognized as 'one of them'. I was overall an academic wanting to know things about them. Since Indigenous peoples in this state have been abused by some academics, people were initially reluctant to share information openly. In two cases, the interviews ended up being useless. In one case, one of my interviewee's husband argued he had to attend the interview, but such presence intimidated my female interviewee. In other situation, when I asked a woman for an interview she brought with her six more women because they wanted to be interviewed together. In both situations, I decided instead to have informal conversations with all these women. Overall interviews were refused and were not used in this study.

Eventually, a letter of support from a well known human rights organization and the presence of my Indigenous guide helped me build the trust needed to conduct individual interviews. At some point, when the interviewees understood what I was doing, they would introduce me to other potential interviewees, and they would invite to community meetings and women's gatherings.

In Oaxaca, my research followed an easier path. Partly, because I come from that state, and partly because of the many contacts I have developed over years of doing research there.

In both Nunavut and the Nass Valley, my appearance and identity made me an object of curiosity to my respondents, who were, in general, glad to talk to me, to share food, celebrations, meetings and to show off to me the spectacular landscapes. In the Nass Valley, the female interviewees would also introduce me to other potential interviewees. In fact, the way the interviews developed and the way I made contact with many of the interviewees allowed me to understand how women's kin networks worked and what their purpose was in that specific context. On balance, I believe that my identity made interviewees more open to share their information in most cases.

Individual interviews offer rich insights into an individual's life, perceptions, beliefs, motivations and values. I conducted 52 individual interviews with women. Throughout the process, I asked open ended questions following the interview guide below. Depending on responses, I often changed the order of specific questions, but covered all topics before concluding the interviews. Depending on the respondent profile and the case study, I also asked questions on additional topics such as: women kin networks, clan system and politics, hereditary positions and treaty benefits in the Nass Valley; land tenure issues, community celebrations, women and the economy, cargo system and conflict resolution in Oaxaca; land tenure issues, cargo system; the Women's Revolutionary Law in

Chiapas; and the gender parity proposal, women and the economy, women and hunting in Nunavut.

During the unstructured interviews with Indigenous males, I also asked some standard questions about socio-demographics, tradition and gender relations contained in the questionnaire guide included below, but mainly focused on additional topics such as the treaty negotiation process and implications, the beginnings of the nationalist movement, the application of customary law in conflict resolution and the different approaches to political autonomy, depending on each interviewee's expertise.

When I conducted life story interviews with Indigenous female activists and matriarchs my interest was in reconstructing their personal biographies by focusing on topics such as family background, childhood, education, work, political activism and later life.

Research instrument

Women activities

Could you tell me some background information on who you are and where you come from - in terms of political/philosophical background and the events, ideas, people that have shaped you as an Indigenous person?

1. What kind of activities are you involved in? (For example, NGOs, handcraft cooperatives, women organization, etc.)
2. Tell me when and how you got involved in these activities
3. Is it part of your community's tradition to participate in these activities?
4. How do your family and community react to the activities you do? (For example, Do they support you? Do they disagree?)

Gender relations

5. What are the traditional activities for women in your community?
6. What are men's traditional activities?
7. How are these activities changing?
8. What do you understand by equality between men and women?
9. How equal are men and women in accessing resources such as land, loans, housing, etc?
10. What do women in your community do to be equal to men?
11. How do males react?

Tradition

12. What do you think of your community's traditions?
13. How does tradition help women in seeking equality?
14. How do women change tradition in seeking equality?
15. What do you understand by tradition? (eg. beliefs, customs)
16. Which elements of your traditions are useful for women in seeking equality? Why?
17. Elaborate on this statement: "The federal government has said that Indigenous customs discriminate against women, if Indigenous autonomy is recognized women's inequality will deepen". What do you think of that?
18. Is tradition changing? How?
19. Who is changing tradition?

Women's political participation

20. How do women traditionally participate in politics within the community? (For example, do women participate in communitarian assemblies? Do women elect communitarian authorities?)
21. Did you participate in electing the authorities of your community? (If yes) How was it?
22. How do males react to women political participation?
23. What do you think about the community's authorities?
24. How important is Aboriginal self-government?
25. Do you feel represented?

26. In which ways do the community's authorities support women?
27. How is the situation of women now that self-government is exercised?
28. How do women participate in decision-making now?

Demographic facts
29. Group and community.
30. Are you married?
31. Did you go to school? (If yes) Until which grade?
32. Which religion do you practice? How religious are you?

Many interviewees wanted to know about me and my life. After I concluded the interviews, I spent as long as people wished answering their inquiries. Occasionally, people would reveal additional important information during these exchange sessions that I would record soon afterwards in my field notes.

Analysis

Throughout the process of interviewing, I realized that although the details of lives or experiences obviously differed, people repeated the same broad themes or concepts already raised by previous interviewees. Qualitative researchers view this absence of new information among late interviewees as a useful sign, suggesting that although the absolute number of interviewees is relatively small, the interviews captured the critical, shared experiences.

In the analysis of these interviews, I highlighted key concepts and placed them in a file with other texts relating to the same topic and added comments. Through this process, I produced about 25 subject-specific files for the interviews. In preparing to write this dissertation, I reviewed each of the file-subject at hand, wrote a summary of key points raised by each interviewee, went back to the interviews, highlighted particular quotations and reviewed my field notes.

I did follow-ups via e-mail with some key interviewees to help clarify information and my analyses. Unfortunately, it was not possible in all the cases to do these follow ups, which provided more colourful clues or pointed ways of articulating the ideas.

On a final note, as a way of scientific disclaimer, I must point out that my analyses were certainly influenced by being inextricably tied to my own experiences as Indigenous woman.

Appendix B

Comparison of the COCOA bill and the Indigenous Law 2001 .

1. The COCOPA initiative reads "indigenous people have the right to self-determination, within an autonomy framework, to implement their normative systems and traditional forms of ruling to solve internal conflicts, while respecting individual rights recognized in the Mexican constitution, human rights and women's dignity. Local laws will recognise indigenous instances and procedures by establishing that indigenous trials and rulings be standardized by authorities from each state". In the approved law it reads "indigenous peoples have the right to self-determination and to autonomy to implement normative systems to solve internal conflicts within the general principles of the constitution. The law will determine how and when judges, and tribunals will validate trials and procedures implemented by indigenous peoples". In this point, the COCOPA bill recognizes the right of Indigenous people to self-government, whose decisions and rules would be considered as valid as those made by other non-indigenous governments and authorities. In contrast, the approved law posits that any decision or rule made by indigenous governments will require review and validation by non-indigenous governments and authorities in order to be legal.

2. The COCOPA initiative reads “indigenous people have the right to elect *municipal* authorities and exercise their traditional forms of internal government while respecting citizens’ political rights and guaranteeing women participation in conditions of equality”. The approved law reads “indigenous people have the right to elect *communitarian* authorities through their traditional practices while guaranteeing women’s participation”. A limit is imposed upon the scope of self-government that is recognized. While the COCOPA initiative applies to municipal governments, the approved law posits that Indigenous peoples have the right to only elect their communitarian government, a type of self-government that is already exercised in many indigenous communities. It is particularly important to note that in Mexico, communities do not have a constitutional protection as differentiated levels of government as municipalities do.

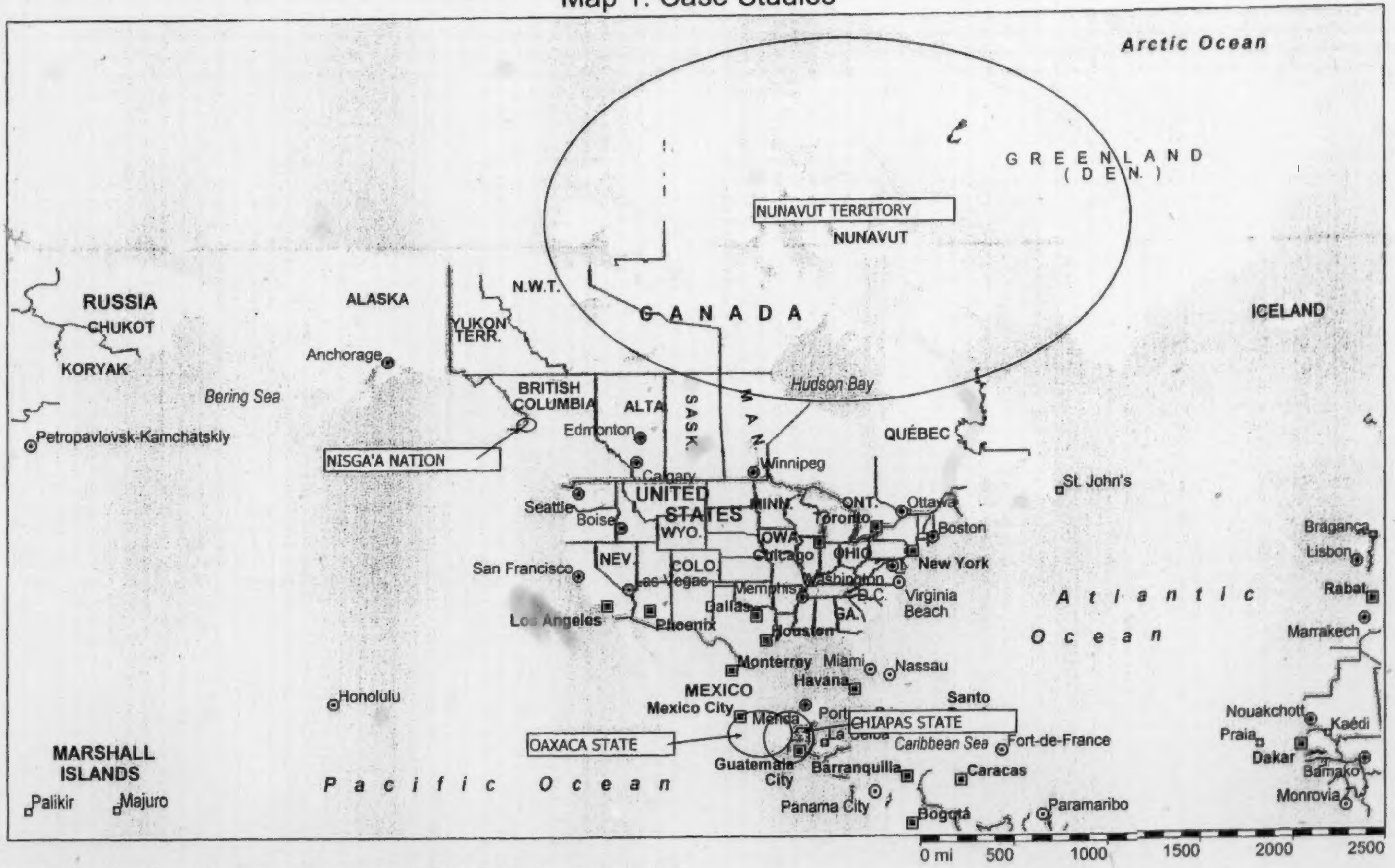
3. Regarding article 115 of the Mexican Constitution on municipalities, the COCOPA bill reads “the right to self-determination of indigenous peoples will be respected in every level they exercise their autonomy, it can integrate one or more indigenous peoples according to particular circumstances of each state. Those municipalities that recognize their belonging to any indigenous people will have the capacity of association to any other indigenous people in order to co-ordinate their actions and activities. These indigenous municipalities have the right to define,

according to their political practice, the procedures to elect their authorities or representatives to exercise their own forms of government, within a framework to protect the unity of the national state.... The state legislatures could proceed to re-draw the municipalities within the indigenous territories, which will have to consult with the indigenous population involved." In this aspect, the Indigenous law passed by the Congress does not include anything, which shows to what extend this law reduced the scope of indigenous self-government to a communal level, which, as I have argued previously, already exists in many communities. In contrast, the COCOPA bill would open the door to the creation of autonomous regions by allowing the association of two or more municipalities constituted by different indigenous peoples.

4. Regarding natural resources, the COCOPA initiative posits that "indigenous peoples have the right to collectively use natural resources within their territories by respecting the limits and procedures defined in the Mexican constitution and laws". In the approved law it says "indigenous peoples have the right to keep and improve their habitat and the integrity of their lands in the terms defined by the constitution. They have the right to have access to land while respecting the form of land tenure defined in the Mexican constitution, other laws in this matter, and respecting third parties rights". The difference between the COCOPA initiative and the approved law is even more contrasting here. The COCOPA initiative recognizes the right of Indigenous people to

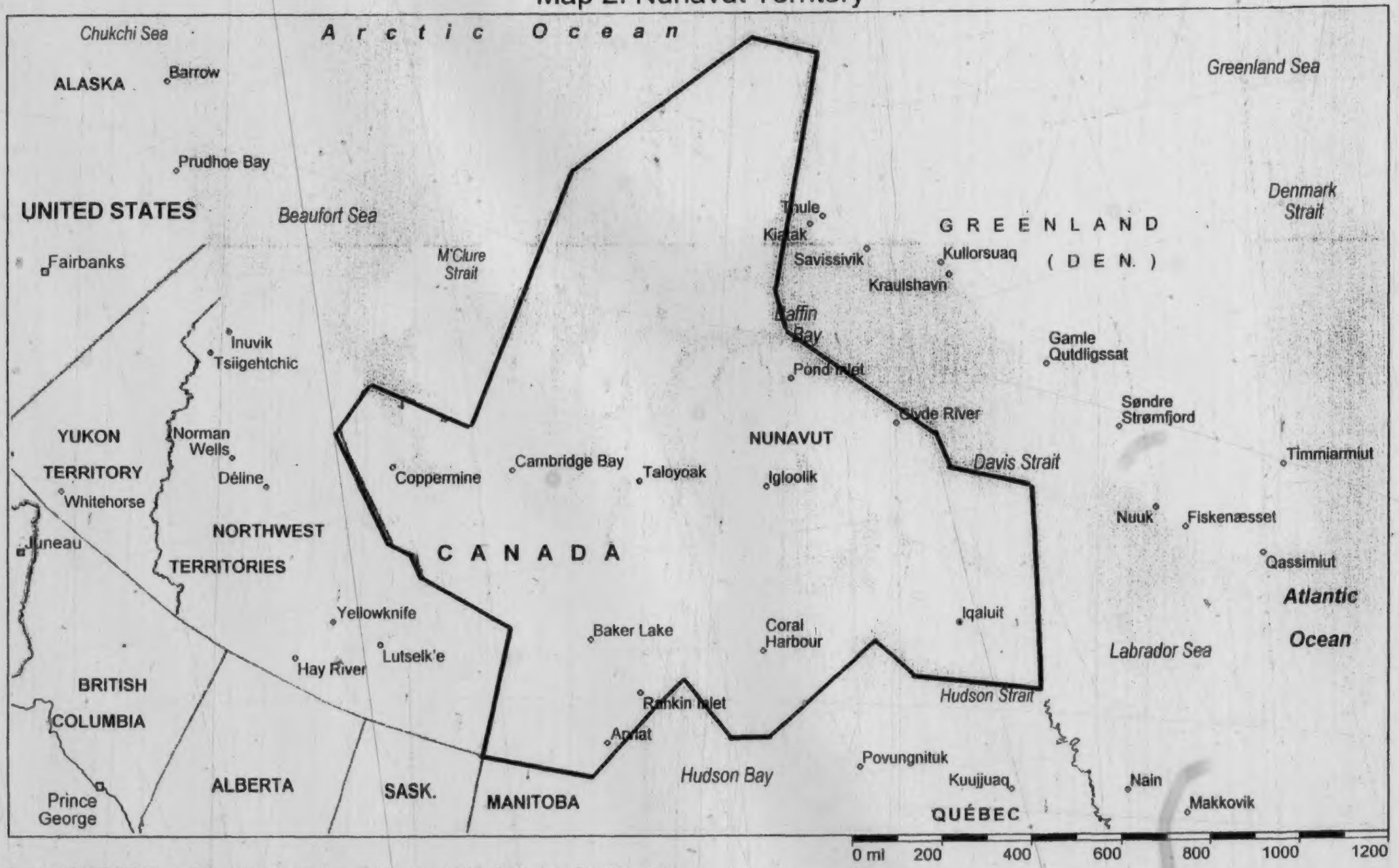
collectively use and make decisions on natural resources within their territories. In contrast, the approved law reduces this right to the protection of the environment and private property in the terms defined by the Constitution. In other words, the approved law pretends to keep things the way they are now and endorses the 1992 constitutional reform to privatise communal lands

Map 1: Case Studies


Arctic Ocean
GREENLAND (DEN.)
NUNAVUT TERRITORY
NUNAVUT
CANADA
ICELAND
RUSSIA
CHUKOT
KORYAK
Bering Sea
Petropavlovsk-Kamchatskiy
ALASKA
Anchorage
N.W.T.
YUKON TERR.
BRITISH COLUMBIA
ALTA
SASK.
MAN.
Hudson Bay
QUÉBEC
NISGA'A NATION
Edmonton
Calgary
Winnipeg
St. John's
Seattle
Boise
UNITED STATES
WYO.
MINN.
ONT.
Ottawa
Toronto
Boston
IOWA
Chicago
OHIO
New York
San Francisco
NEV.
COLO
Las Vegas
Memphis
Washington D.C.
Virginia Beach
Los Angeles
Phoenix
Dallas
GA.
Houston
Atlantic Ocean
Braganca
Lisbon
Rabat
Marrakech
Monterrey
Miami
Nassau
Havana
MEXICO
Mexico City
Merida
Port
Santo
CHIAPAS STATE
La Ceiba
Caribbean Sea
Fort-de-France
Honolulu
OAXACA STATE
Guatemala City
Barranquilla
Caracas
Panama City
Bogotá
Paramaribo
MARSHALL ISLANDS
Palikir
Majuro
Pacific Ocean
Nouakchott
Kaédi
Praia
Dakar
Bamako
Monrovia
0 mi
500
1000
1500
2000
2500

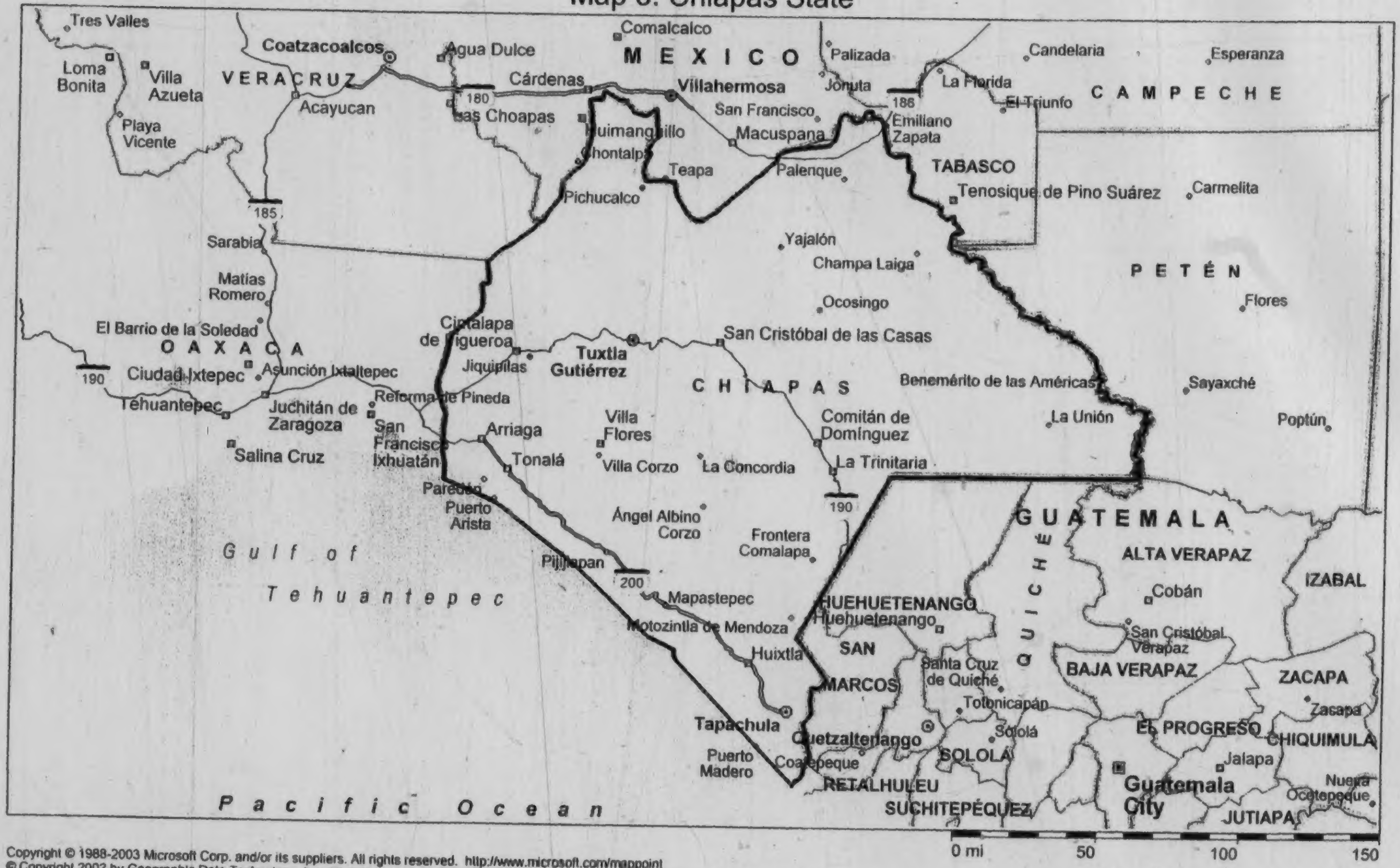
Copyright © 1988-2003 Microsoft Corp. and/or its suppliers. All rights reserved. http://www.microsoft.com/mappoint
© Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.

Map 2: Nunavut Territory


Arctic Ocean
Chukchi Sea
ALASKA
Barrow
Prudhoe Bay
UNITED STATES
Fairbanks
Beaufort Sea
M'Clure Strait
Greenland Sea
Denmark Strait
Thule
Kiatak
Savissivik
Kullorsuaq
Kraulshavn
GREENLAND
(DEN.)
Baffin Bay
Pond Inlet
Gamle Qutdligssat
Søndre Strømfjord
Clyde River
Davis Strait
Timmiarmiut
Inuvik
Tsiigehtchic
YUKON
TERRITORY
Whitehorse
Juneau
Norman Wells
Déline
NORTHWEST
TERRITORIES
Coppermine
Cambridge Bay
Taloyoak
NUNAVUT
Igloolik
CANADA
Nuuk
Fiskenæsset
Qassimiut
Atlantic Ocean
Yellowknife
Hay River
Lutselk'e
Baker Lake
Coral Harbour
Iqaluit
Labrador Sea
Rankin Inlet
Arviat
Hudson Strait
BRITISH
COLUMBIA
Prince George
ALBERTA
SASK.
MANITOBA
Hudson Bay
Povungnituk
Kuujjuaq
QUÉBEC
Nain
Makkovik
0 mi
200
400
600
800
1000
1200

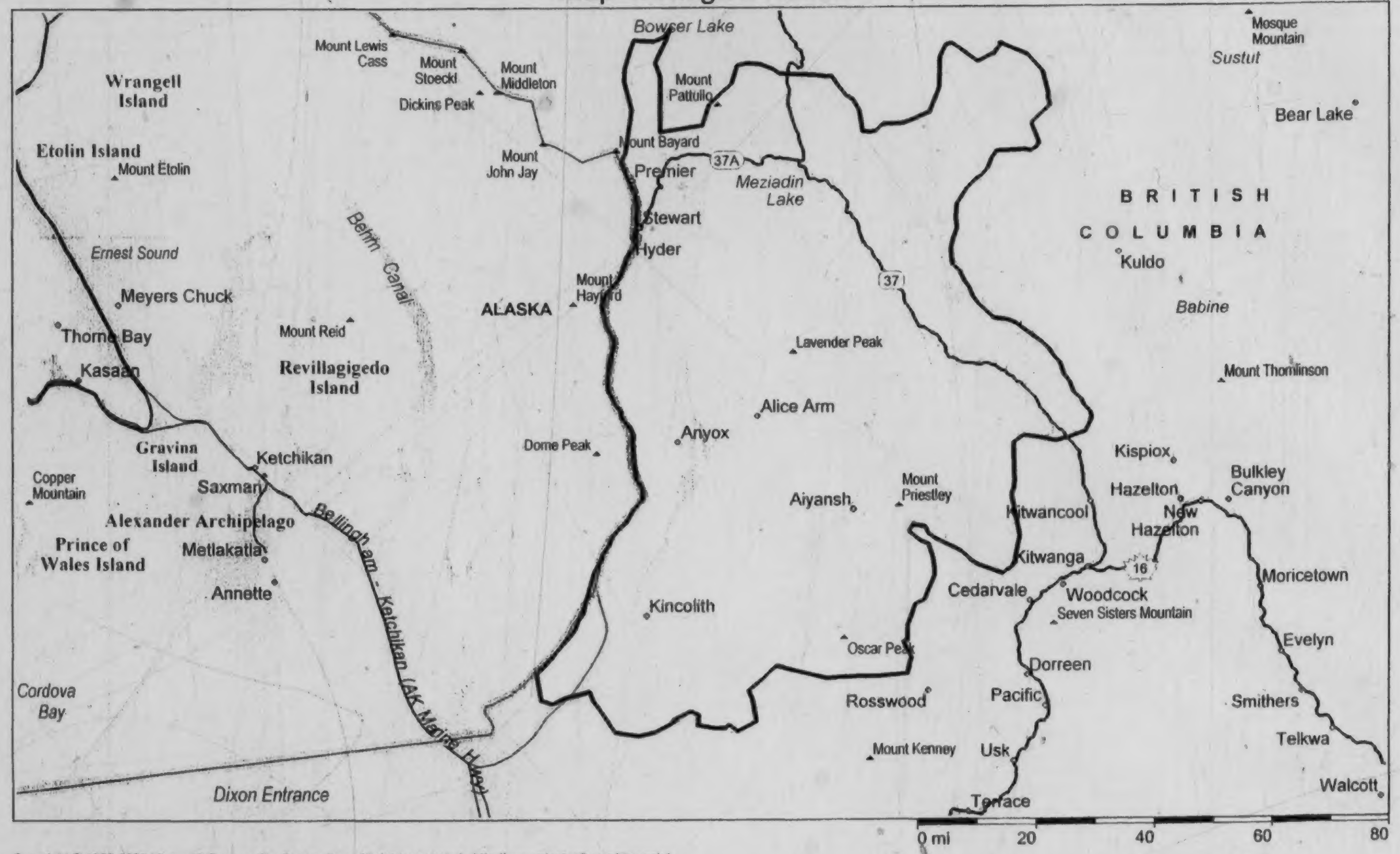
Copyright © 1988-2003 Microsoft Corp. and/or its suppliers. All rights reserved. http://www.microsoft.com/mappoint
© Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.

Map 3: Chiapas State


Tres Valles
Loma Bonita
Villa Azueta
Playa Vicente
VERACRUZ
Coatzacoalcos
Acayucan
Agua Dulce
180
Las Choapas
Cárdenas
Comalcalco
MEXICO
Villahermosa
Huimanguillo
Chontalpa
Teapa
Pichucalco
Palizada
Jonuta
San Francisco
Macuspana
Palenque
186
La Florida
El Triunfo
Emiliano Zapata
Candelaria
Esperanza
CAMPECHE
TABASCO
Tenosique de Pino Suárez
Carmelita
185
Sarabia
Matías Romero
El Barrio de la Soledad
OAXACA
190
Ciudad Ixtepec
Asunción Ixtaltepec
Tehuantepec
Juchitán de Zaragoza
Salina Cruz
Reforma de Pineda
San Francisco Ixhuatán
Cintalapa de Figueroa
Jiquipilas
Tuxtla Gutiérrez
Arriaga
Tonalá
Paredón
Puerto Arista
Yajalón
Champa Laiga
Ocosingo
San Cristóbal de las Casas
CHIAPAS
Villa Flores
Villa Corzo
La Concordia
Ángel Albino Corzo
Comitán de Domínguez
La Trinitaria
190
Frontera Comalapa
Benemérito de las Américas
La Unión
PETÉN
Flores
Sayaxché
Poptún
Gulf of Tehuantepec
Pijijiapan
200
Mapastepec
Motozintla de Mendoza
Huixtla
Tapachula
Puerto Madero
Pacific Ocean
GUATEMALA
ALTA VERAPAZ
IZABAL
Cobán
San Cristóbal Verapaz
QUICHE
HUEHUETENANGO
Huehuetenango
SAN MARCOS
Santa Cruz de Quiché
Totonicapán
Sololá
BAJA VERAPAZ
ZACAPA
Zacapa
Quetzaltenango
Coatepeque
SOLOLA
RETALHULEU
SUCHITEPÉQUEZ
EL PROGRESO
CHIQUIMULA
Jalapa
Guatemala City
JUTIAPA
Nueva Ocotepeque
0 mi
50
100
150

Copyright © 1988-2003 Microsoft Corp. and/or its suppliers. All rights reserved. http://www.microsoft.com/mappoint
© Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002
Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.

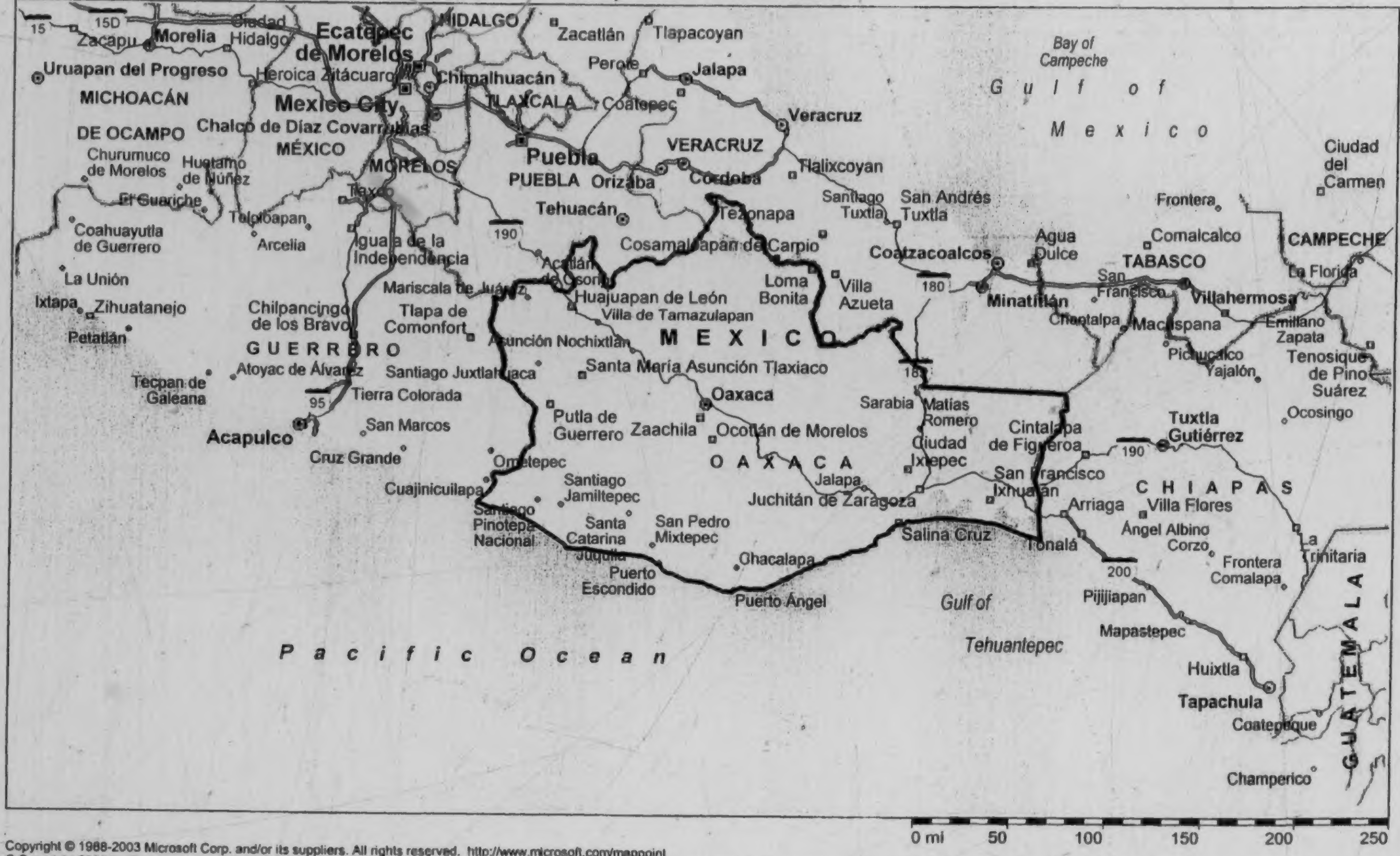
Map 4: Nisga'a Nation



Bowser Lake
Mosque Mountain
Sustut
Bear Lake
Mount Lewis Cass
Mount Stoeckl
Mount Middleton
Dickins Peak
Mount Pattullo
Wrangell Island
Etolin Island
Mount Etolin
Mount John Jay
Mount Bayard
Premier
37A
Meziadin Lake
BRITISH
COLUMBIA
Kuldo
Stewart
Hyder
Ernest Sound
Behm Canal
37
Babine
Meyers Chuck
Mount Hayward
ALASKA
Thorne Bay
Mount Reid
Lavender Peak
Mount Thomlinson
Kasaan
Revillagigedo Island
Alice Arm
Anyox
Dome Peak
Gravina Island
Ketchikan
Kispiox
Copper Mountain
Saxman
Hazelton
Bulkley Canyon
Aiyansh
Mount Priestley
Kitwancool
New Hazelton
Alexander Archipelago
Prince of Wales Island
Metlakatla
Bellingham - Ketchikan (AK Marine Hwy)
Kitwanga
16
Moricetown
Annette
Cedarvale
Woodcock
Kincolith
Seven Sisters Mountain
Oscar Peak
Evelyn
Dorreen
Cordova Bay
Pacific
Rosswood
Smithers
Mount Kenney
Usk
Telkwa
Dixon Entrance
Terrace
Walcott
0 mi
20
40
60
80

Copyright © 1988-2003 Microsoft Corp. and/or its suppliers. All rights reserved. http://www.microsoft.com/mappoint
© Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.

Map 5: Oaxaca State


Uruapan del Progreso
MICHOACÁN DE OCAMPO
Zacapu
Morelia
Ciudad Hidalgo
Ecatepec de Morelos
Heroica Zitácuaro
Mexico City
Chimalhuacán
Chalco de Díaz Covarrubias
MÉXICO
HIDALGO
TLAXCALA
Zacatlán
Tlapacoyan
Perote
Jalapa
Coatepec
Veracruz
VERACRUZ
Puebla
PUEBLA
Orizaba
Córdoba
Tlalixcoyan
Tehuacán
Tezonapa
Cosamaloapan de Carpio
Santiago Tuxtla
San Andrés Tuxtla
Coatzacoalcos
Agua Dulce
Minatitlán
Loma Bonita
Villa Azueta
Bay of Campeche
Gulf of Mexico
Ciudad del Carmen
Frontera
Comalcalco
TABASCO
CAMPECHE
San Francisco
Villahermosa
La Florida
Chontalpa
Macuspana
Emiliano Zapata
Tenosique de Pino Suárez
Pichucalco
Yajalón
Ocosingo
Tuxtla Gutiérrez
CHIAPAS
Villa Flores
Arriaga
Ángel Albino Corzo
Frontera Comalapa
La Trinitaria
GUATEMALA
Pijijiapan
Mapastepec
Huixtla
Tapachula
Coatepeque
Champerico
Churumuco de Morelos
Huetamo de Núñez
El Guaricho
Tlalchapan
Coahuayutla de Guerrero
Arcelia
Taxco
MORELOS
Iguala de la Independencia
Acatlán de Osorio
Huajuapan de León
Villa de Tamazulapan
MEXICO
La Unión
Ixtapa
Zihuatanejo
Petatlán
Chilpancingo de los Bravo
Mariscala de Juárez
Tlapa de Comonfort
GUERRERO
Asunción Nochixtlán
Santa María Asunción Tlaxiaco
Tecpan de Galeana
Atoyac de Álvarez
Santiago Juxtlahuaca
Tierra Colorada
Acapulco
San Marcos
Cruz Grande
Oaxaca
Putla de Guerrero
Zaachila
Ocotlán de Morelos
Sarabia
Matías Romero
Ciudad Ixtepec
Cintalapa de Figueroa
OAXACA
Ometepec
Cuajinicuilapa
Santiago Jamiltepec
Santiago Pinotepa Nacional
Santa Catarina Juquila
San Pedro Mixtepec
Jalapa
Juchitán de Zaragoza
San Francisco Ixhuatán
Salina Cruz
Tonalá
Puerto Escondido
Ghacalapa
Puerto Ángel
Gulf of Tehuantepec
Pacific Ocean
15
15D
190
95
180
185
200
0 mi
50
100
150
200
250

Copyright © 1988-2003 Microsoft Corp. and/or its suppliers. All rights reserved. http://www.microsoft.com/mappoint
© Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.